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Maryland. Laws, statutes, &c. &c.

SUPPLEMENT

TO THE

MARYLAND CODE, ^{c7}

CONTAINING THE

Acts of the General Assembly,

PASSED AT THE SESSION OF 1868;

ARRANGED IN

Articles and Sections to Correspond with the Code.

BY LEWIS MAYER,

OF THE BALTIMORE BAR.

c v. 5]

BALTIMORE:

PRINTED AND PUBLISHED BY JOHN MURPHY & Co.

Publishers of the Maryland Code and Supplements, Maryland Reports, &c.

182 BALTIMORE STREET.

1868.

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ENTERED, according to the Act of Congress, in the year 1868,

By JOHN MURPHY,

in the Clerk's Office of the District Court of Maryland.

Rec. Jan. 22, 1875

**PRINTED BY
JOHN MURPHY & CO.
BALTIMORE.**

PREFACE.

WE offer to the profession and the public an additional Supplement to the Code. The Acts of Assembly of 1868 are here arranged on the plan adopted in the Supplement 1861-67. As this arrangement has received the approval of the Bar, it has not been deemed advisable to change it.

Of this mode of condensing the statute law, Sir Edward Coke, long ago appositely wrote: "To make one plain and perspicuous law divided into articles, so as every subject may know what acts be in force and what repealed, either by particular or general words, in part or in the whole, or what branches and parts abridged, what enlarged, what expounded, so as each man may clearly know what and how much is of them in force and how to obey them, it were a necessary work and worthy of singular commendation."

Inasmuch as the provision of the Constitution, (Art. 2, sec. 17 and Art. 3, sec. 30,) that every bill which shall have passed the House and Senate shall, before it becomes a law, be presented to the Governor for his approval, is to be read with sec. 31 of Art. 3, that no law passed by the General Assembly shall take effect until the first day of June next after the session at which it may have been passed, unless it be otherwise expressly declared therein, the date of the Governor's approval and the time that each law went into force, are both noted.

The Appendix containing a summary of Charters and other important acts, of a local or private nature, not intended to be incorporated into the Code, will be found useful as a means of reference to the official volume of the Acts of Assembly.

A general index to the contents of the Supplement is given at the end of the book.

LEWIS MAYER.

*

SUPPLEMENT TO THE MARYLAND CODE.

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Supplement to the Maryland Code.

PUBLIC GENERAL LAWS—1868.

ARTICLE V.

Appeals.

APPEALS FROM COURTS OF EQUITY.
25. In cases of injunction.

APPEALS FROM JUSTICES OF THE PEACE.
50. Proceedings on appeal.

APPEALS FROM COURTS OF EQUITY.

1868, c. 102 repeals section 25 and substitutes the following therefor :

SEC. 25. Whenever any court having equity jurisdiction shall refuse to grant an injunction according to the prayer of the bill or petition filed in the cause, an appeal may be taken from such refusal by any party aggrieved thereby, and such right of appeal shall not be prejudiced by the filing of an answer to the said bill or petition on behalf of any opposing party, nor by the taking of depositions in reference to the allegations of the bill or petition to be read on the hearing of the application for an injunction; and the said appeal shall be heard on a transcript of the said bill or petition, with such other papers or proceedings in the cause as may be necessary for the purposes of the appeal, and so soon as conveniently may be after such transcript shall have been filed in the court of appeals.

1868, c. 102.
In cases of injunctions.

In force and approved March 7, 1868.

APPEALS FROM JUSTICES OF THE PEACE.

1868, c. 378 repeals and re-enacts section 50 so as to read as follows:

1868, c. 378.
Proceedings
on appeal.

50. Any party aggrieved thereby may appeal from any judgment of a justice of the peace to the circuit court for the county, or the Baltimore city court of Baltimore, at any time within sixty days from the rendition of such judgment, and the court to which such appeal is taken shall hear the case *de novo*, and determine the same according to law and the equity of the matter; and this section shall be construed to include all actions of debts for the collection of fines, penalties and forfeitures imposed by any law of this state, and which are made recoverable before a justice of the peace, in which a right of appeal may not be given by the law imposing the same.

To what actions
applicable.

In force and approved March 30, 1868.

ARTICLE X.

Attachments.

ATTACHMENTS ON ORIGINAL PROCESS.

8. Jurisdiction extended to justices of the peace. Procedure.

ATTACHMENTS ON ORIGINAL PROCESS.

1868, c. 447 adds the following section to this article:

1868, c. 447.
Jurisdiction
extended to
justices of the
peace.

SEC. 8. Every justice of the peace may issue an attachment in any of the cases mentioned in the act of 1864, c. 306, sec. 38, [sec. 1 of Supplement 1861-1867, p. 19,] where the sum claimed shall not exceed one hundred dollars, upon the party applying for the same making before the justice the affidavit, and exhibiting the proofs and vouchers necessary to authorize an attachment to be issued from the circuit court in such

cases, and giving bond with security to be approved by said justice in double the sum alleged to be due, and conditioned as is provided in the forty-first section of said act of 1864, c. 306, [sec. 4 of Supplement, p. 20,] except such changes of language as may be necessary to make the same applicable to a proceeding before a justice of the peace, and such attachment shall be returnable before the justice who issued it on a day certain to be named therein, not less than twenty nor more than thirty days from the date of issuing it, and the plaintiff shall give notice of the issuing of such attachment in the same manner as in case of attachments before a justice against non-resident or absconding debtors, and a writ of summons shall also be issued with such attachment as is usual in cases of debt before a justice, and the proceedings on such attachment shall conform as near as practicable to the practice and proceedings, under writs of attachments, against non-resident or absconding debtors issued by a justice of the peace.

In force and approved March 30, 1868.

ARTICLE XI.

Attorneys at Law.

ATTORNEYS.

16. Non-practitioners.

STATE'S ATTORNEYS.

24. Fees.

1868, c. 404 repeals 1862, c. 179, [Sup. 24,] being section 16 of this article and re-enacts the same as follows:

SEC. 16. No register of wills or clerk of any court shall practice as attorney at law in any of the courts of this state whatsoever, nor shall any deputy register of wills, or any deputy clerk of any court, practice as attorney at law in any court of this state of which he is an officer, or to which he may be attached as a deputy or assistant officer. 1868, c. 404. Who not to practice.

In force and approved March 30, 1868.

1868, c. 285 enacts the following :

1868, c. 285.
Fees of state's
attorneys.

24. The comptroller of the treasury is authorized to adjust and settle the claims of any of the state attorneys of the several counties and the city of Baltimore, for appearance fees in civil cases due them by the state, and for all fees similarly due for services rendered under the opinion of the attorney general in the matter of cases removed from said county for trial or otherwise, and to fix and determine the amount due to said state attorneys, respectively, and to allow the same and to issue his warrant upon the treasurer for the payment of such amounts, which said warrant the treasurer is hereby authorized to pay.

In force and approved March 30, 1868.

NOTE.—See 1868, c. 210 authorizing the Comptroller of the Treasury to adjust and settle with the assistance of the State's Attorneys the accounts due by collectors, sheriffs, clerks, registers and other receivers of public moneys in cases where the indebtedness accrued prior to the year 1866, under Public General Laws, Art. XXII, Comptroller.

ARTICLE —.

Bounties.

4. Defence loan: treasurer to issue bonds.
5. Special tax.
6. Further issue prohibited.

9. Claims to be presented before September 1, 1868.
10. Treasury to be re-imbursed.

1868, c. 240 repeals the act passed January session, 1867, c. 156, entitled an act to repeal sections five and eight of an act passed January session, 1864, c. 15, entitled an act to aid and encourage enlistments into the Maryland regiments in the service of the United States, and also to repeal sections four and five of the act passed January session, 1865, c. 33, entitled an act to provide bounty for soldiers entering the service of the United States, to fill the quotas of Maryland, under the call of the President of the United States, of December 19, 1864, and under future calls. See Sup. pp. 23, 34, 38.

In force and approved March 28, 1868.

1868, c. 235 amends and re-enacts 1865, c. 33, ss. 4, 5 and 6, [Sup. 38.] as follows :

1868, c. 235, s. 4.
Defence loan.

SEC. 4. For the purpose of meeting the expenses to be incurred under this act a fund is hereby created, to be called the defence loan, and the treasurer of the

state is hereby authorized, under the direction of the governor, to issue bonds or certificates of debt, which said bonds or certificates of debt shall be exempt from state, county and municipal taxation, countersigned by the comptroller bearing interest at six per centum per annum, payable semi-annually on the first day of January and July in each year, and redeemable in not less than ten nor more than fifteen years, at the pleasure of the state, in the name and on behalf of the state of Maryland, to an amount not exceeding four millions of dollars, or so much thereof as may be necessary, and the proceeds of such bonds or certificates so issued shall be passed to the credit of said defence loan, and the same is hereby appropriated for the purpose of paying all liabilities incurred or to be incurred under the provisions of this act, and the treasurer of the state is hereby authorized, under the direction of the governor, to invest in the bonds to be issued as aforesaid, one million of dollars of the interest of the sinking fund, or more, if in their discretion advisable, or of any other fund or surplusages in the treasury not otherwise appropriated, and that all payments made by or on account of the purchasers of the bonds or certificates of debt issued under the provisions of this bill, shall be made to the treasurer, on the warrant of the comptroller, and all certificates of debt or bonds so issued shall be signed by the treasurer and countersigned by the comptroller.

Treasurer to
issue bonds.

5. A special tax of five and a half cents is hereby levied, [on every one hundred dollars' worth of the taxable property of this state, to meet the interest and create a sinking fund for the redemption of the bonds or certificates of debt herein directed to be issued and the tax shall be annually levied,] collected and paid over to the state treasury until the debt created by this act shall have been paid, and a separate and distinct account shall be kept thereof, and the proceeds thereof are hereby pledged to the payment of the interest and principal of the said bonds or certificates of debt.

Ibid. s. 5.
Special tax.

6. No further bonds or certificates of debt under the act of 1864, c. 15, shall be issued.

Ibid. s. 6.
Further issue
prohibited.

Ibid. s. 9.
Claims to be
presented be-
fore Sept. 1,
1868.

9. All persons having claims against the state for bounty, under any law making provision therefor, shall present the same to the comptroller of the treasury for payment, on or before September 1, 1868, or otherwise be excluded from all benefits thereof.

Ibid. s. 10.
Treasury to be
re-imbursed.

10. The treasurer is hereby authorized from the proceeds of any sales of bonds, which may be made under the provisions of this act, to re-imburse the treasury for such advances, from the general revenue accruing from taxes and other sources as have been appropriated from time to time towards the payment of bounties, the sum to be applied to the general wants of the treasury.

In force and approved March 28, 1868.

ARTICLE XVI.

Chancery.

DEEDS.

24. Defective acknowledgment: petition to circuit court and answer, &c.: testimony: order of court: proviso.

INFANTS.

51. Decree for sale of infants' real estate and the sale thereof: failure to summon infants and take their answer, how cured: proviso: when proceedings valid.

JURISDICTION.

58. When lands or persons partly in one county and partly in another: proviso: proceedings: duty of clerk.

NAMES.

79. Proceedings to change name: decree of court: costs.

NON-RESIDENTS.

89. How answer of non-resident infant defendant taken.

98. Notice by publication: service of copy: proof of service.

99. Sale of burying grounds: notice by publication to lot-holders: testimony ex parte: decree of court.

SALES.

140. Sale or lease of life estates and estates dependent: decree of court.

DEEDS.

1868, c. 325 enacts the following, to provide for giving effect to informal or invalid deeds:

1868, c. 325.
Defective
acknowledg-
ments.

SEC. 24. Whenever any deed or bill of sale shall have been duly signed and sealed by the parties thereto, but shall not have been acknowledged by the said

parties, or any one of them, in the manner or form, or before the person authorized to take such act or acknowledgment, the circuit court of a county in which, by law, the said deed or bill of sale ought to be or to have been recorded, or the circuit court of Baltimore city, if the said deed or bill of sale ought, by law to be or to have been recorded in said city, may, upon the petition of any party to said deed or bill of sale, or his or their assigns, or any person claiming under them, setting forth the defects in the acknowledgment of said deed or bill of sale, pass an order directing the other parties thereto to appear and answer the said petition, and may cause notice to be given to such parties by summons or publication, according to the practice of the said court, and may direct testimony to be taken in relation to the matters in said petition, or in said petition and answer contained; and the said court may grant relief upon said petition by directing the said parties, or any of them, to acknowledge or to re-acknowledge the said deed or bill of sale, as the case may require; and the order of the said court, passed in the premises, directing the said acknowledgment to be made as aforesaid, shall operate in the same manner and to the same extent, from the date of the said order, as if the said party ordered as aforesaid to acknowledge or re-acknowledge the said deed or bill of sale, had thereupon so done; *provided*, however, that the rights of any person who shall not be a party to said proceedings, as aforesaid, shall not be in any wise affected by said order.

Petition to circuit court and answer, &c.

Testimony.

Order of court.

Proviso.

In force and approved March 30, 1868.

NOTE.—The above law was prepared by Messrs. Gwinn, Mauley and Carter, Commissioners appointed by the Governor to draft laws for the formation of Corporations and for other purposes, under section 48 of Article 3 of the Constitution. In their report to the General Assembly, February, 1868, they say: "By the 33d section of Article 3, it is provided that the General Assembly shall not pass local or special laws in the cases enumerated, and shall pass general laws in such of the enumerated cases as are not already adequately provided for, and in other cases where a general law can be made applicable. We have supposed that the utmost limit of our duties could properly embrace only the subject of Corporations mentioned in section 48, and the enumerated cases mentioned in section 33, leaving the 'other cases where a general law can be made applicable' to be defined and provided for by the wisdom of the General Assembly.

"Of the enumerated cases in section 33, general laws have already been provided, and are found in the Code, for 'extending the time for the collection of taxes,' 'granting divorces,'

and 'providing for the sale of real estate belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.'

"We submit herewith drafts of laws for 'changing the name of any person,' 'giving effect to informal or invalid deeds,' 'refunding money paid into the State treasury' in certain cases; and we respectfully state that, in our opinion, no general law can be framed for giving effect to invalid wills, or for releasing persons from their debts or obligations to the State." See the laws under Art. XXVI, Corporations, Art. LXXXI, Revenue and Taxes and "Names" under this Article. See 1868, c. 210 under Art. XXII, Comptroller.

INFANTS.

1868, c. 249 adds the following section :

1868, c. 249.
Decree for sale
of infants' real
estate and sale
thereof.

Failure to sum-
mon infants
and take their
answer, how
cured.

Proviso.

When proceed-
ings valid.

51. Whenever, upon the petition of any infant or infants, by their guardian or next friend, a decree has been passed or shall hereafter be passed for the sale of the lands, tenements or real estate of said infant or infants, or of his, her or their interest in the same, and a sale thereof has been or shall be made in pursuance of said decree, which said sale has been or shall be confirmed by the court in which such decree was had, and it shall appear that there was a failure to summon said infant or infants, and to have them answer by a guardian appointed by the court by whom the said decree had been passed, it shall and may be lawful for the circuit courts of this state, sitting as courts of equity, to confirm said sale; and all proceedings had thereon, upon the petition of the guardian or next friend of such infant or infants, or upon the petition of any party having an interest in said sale, and after summoning such infant or infants, and his, her or their appearance by guardian, to be appointed by said courts, and such other proceedings had as required for a decree of sale of infants' real estate; *provided*, upon a hearing and examination of all the circumstances, it shall appear to said courts that said sale was fairly and *bona fide* made, and that at the date of said decree it was for the benefit and advantage of said infant or infants to sell said lands, tenements and real estate, or for his, her or their interest in the same; and upon the confirmation of said sale, all the proceedings had in pursuance of said decree and in conformity thereto, including the deeds of the trustees there made or thereafter to be made, shall be as valid and binding upon all parties,

and shall confer as good title upon the purchasers as if the proceedings upon which the original decree was passed had been in strict conformity to the requirements of law.

Passed and approved March 30, 1868.

JURISDICTION.

1868, c. 348 repeals section 58 and substitutes the following therefor:

58. Whenever lands lie partly in one county and partly in another, or partly in a county and partly in the city of Baltimore, or whenever persons proper to be made defendants to proceedings in chancery, reside some in one county and some in another, or some in a county and some in the city of Baltimore, that court shall have jurisdiction in which proceedings shall have been first commenced; *provided*, that no proceedings in chancery shall effect the title to property, real and personal, in the state of Maryland, beyond the limits of the city of Baltimore or county in which such proceedings shall be instituted, to the prejudice of any *bona fide* purchaser, mortgagee or pledgee, until a copy of the bill of complaint, certified under his official seal by the clerk of the court in which it originated, shall be filed in the clerk's office of the court of the city of Baltimore or county where such property shall be at the time; and on receipt of a copy of such bill by the clerk of such court, it shall be his duty forthwith to enter and index the bill in his chancery docket as though it originated in his court, and also, to state on the docket from what court it came.

1868, c. 348.
When lands or persons partly in one county and partly in another.
Provido.
Proceedings.
Duty of clerk.

In force and approved March 30, 1868.

NAMES.

1868, c. 311 enacts the following to provide for the changing of the name of any person:

79. If any person residing in this state shall desire to change his or her name, such person may file in the

1868, c. 311.
Proceedings to change name.

circuit court of the county of his or her residence, or in the circuit court of Baltimore city, if such person resides in the city of Baltimore, a petition in which shall be stated the change which such person desires shall be made in his or her name and the reasons therefor, and thereupon the said court, upon being satisfied in such manner as it shall by its rules prescribe, that the prayer of the said petition should be granted, shall

Decree of court. order and decree that the name of such person be changed, as is prayed in said petition, and upon the passage of such decree the true and legal name of such person shall be that determined by the said decree, and a copy of the said decree under the seal of said court,

Evidence. shall be sufficient and legal evidence of the facts therein stated; the petition provided for in this section may be filed on behalf of any infant residing in this state by the father of such infant, or in case of his death, by the

Costs. mother or guardian of such infant; the costs of the proceedings provided for in this section shall be regulated by the said courts, and shall be paid by the petitioner.

In force and approved March 30, 1868.

NOTE.—The above law was prepared by Messrs. Gwinn, Mauleby and Carter, Commissioners appointed by the Governor to draft laws for the formation of Corporations and for other purposes under section 48 of Article 3 of the Constitution. The Circuit Court of Baltimore city has passed the following rule in regard to applications to the court for changing names under 1868, c. 311: "All persons applying for the benefit of said act shall file in the court a petition in which shall be stated the residence of such person and the change such person may desire to be made in his or her name and the reasons therefor; this petition to be sustained by the affidavit of such person, or in case such petition is filed in behalf of an infant, it shall be made by the father, mother or guardian of said infant, whereupon thirty days' notice of such application shall be given by publication once a week for three successive weeks in some newspaper published in the city of Baltimore. At the expiration of the said thirty days, the petition may be presented to the court for consideration, and to pass such order or decree as may appear proper in the case. Affidavits in opposition as well as in support of such petition, may be filed before the expiration of the said thirty days." See Note p. 19.

NON-RESIDENTS.

1868, c. 200 repeals section 89 as re-enacted by 1864, c. 89, (Sup. 43) and enacts that the following section be inserted as a substitute for said section so repealed:

1868, c. 200.
How answer of
non-resident
infant defend-
ant taken.

89. In every suit in chancery by bill or petition where the defendants or any of them shall be infants residing out of this state, in any other of the United

States, or any territory thereof, or where application is made by the guardian or *prochein ami* of any non-resident infant to sell, lease, mortgage or exchange the real or personal property of such infants on the prayer or petition of the complainant or petitioner, a commission may be issued, without any previous process or notice, to any two persons, in the discretion of the judge of the court in which said suit is brought, who reside near such infants, authorizing them, or either of them, to appoint a guardian to answer for such infant or infants, and take the answer of such infants by their said guardian, and the said judge may prescribe the mode of authenticating the execution of such commission, and the answer of every infant so taken in any case, when returned to the court issuing the commission, shall be as effectual as if taken under a commission duly executed within the jurisdiction of such court; *provided*, that if in any such suit the party or parties Proviso. complainant shall allege, and prove by oath or affirmation, that the whereabouts of the infant defendants is unknown to him, her or them, and that he, she or they have made diligent inquiry to ascertain the same, (the said oath or affirmation, where there is more than one complainant, to be made by any one, any number, or all of such parties, in the discretion of the court,) or when a commission may have been issued, as herein provided, and the party or parties to whom such commission may have been issued, shall refuse or neglect to execute or return the same according to the exigency thereof, beyond a reasonable length of time, to be judged of by the court issuing such commission, then the said infant defendants, being non-residents, may be proceeded against by notice given, as provided for in the preceding section of this article, for other non-residents, but in no case shall a bill or petition be taken *pro confesso* against an absent infant defendant.

In force and approved March 28, 1868.

1868, c. 435 repeals section 98 and enacts the following in lieu thereof:

1868, c. 435.
Notice by publication.

98. In all suits in chancery against non-residents or against persons who may be proceeded against as if they were non-residents, the court may order notice to be given by publication in one or more newspapers, stating the substance and object of the bill or petition, and warning such party to appear, on or before the day fixed in such order, and show cause why the relief prayed should not be granted, and such notice shall be published as the court may direct, not less, however, than once a week, for four successive weeks, three months before the day fixed by such order for the appearance of the party, *provided*, if a copy of the order be personally served on such party one month before the day fixed for his appearance, if he be within the limits of the United States, or three months if beyond; such service shall have the same effect as a publication. Proof of said service must be as follows:

Proviso.

Service of copy.

Proof of service.

1. If served by the sheriff, his certificate thereof.
2. If by any other person, his affidavit or affirmation thereof, or 3. The written admission of the defendant, proved to the satisfaction of the court, and such certificate, affidavit, affirmation or admission, shall state the time and place of the service.

In force and approved March 28, 1868.

1868, c. 211 adds the following:

1868, c. 211.
Sale of burying grounds.

99. Upon any bill being filed for the sale of any ground dedicated and used for the purposes of burial in which lots have been sold and deeds executed or certificates issued to the purchasers of such lots, provided such lots shall be no longer used for burial purposes, the court may order notice to be given by publication in one or more newspapers published in the city or county in which the ground to be sold may be situate, stating the substance and object of the said bill, and containing the names of the original

Notice by publication, to lot holders.

lotholders or their assignees if known, warning all the lotholders, whether they be residents or non-residents, adults or infants to appear on or before a day fixed in such order and show cause why the relief prayed should not be granted, and such notice shall be published as the court may direct, not less, however, than once a week for four successive weeks, two months before the day fixed by such order for the appearance of the parties, and if such lotholders shall not appear at the time stated in such notice a commission to take testimony may be issued by the complainant *ex parte*. Testimony ex parte. After the return of such commission the court, upon being satisfied from the testimony, that it is necessary and would be for the interest and advantage of the parties interested that the ground should be sold, may forthwith pass a decree for the sale of the same upon Decree of court. such terms as it shall deem proper, and shall distribute the proceeds of sale among the parties interested according to their several interests as the same shall be shown to the court. A decree passed in a proceeding for the sale of a burial ground shall be valid to pass the title to the purchaser or purchasers of the same or any part thereof, free, clear and discharged of and from the claims of the corporation or trustees who may hold the same for the purposes aforesaid, their successors or assigns and of all persons having an interest as lotholders in such ground whether they are entitled as original lotholders and whether they be residents or non-residents, adults or infants.

In force and approved March 28, 1868.

SALES.

1868, c. 273 repeals and re-enacts 1862, c. 156, (Sup. 44) as follows:

140. In all cases when one or more persons is or are entitled to an estate for life or years, or to an estate tail, fee simple, conditional, base or qualified fee, or any other particular, limited, or conditional estate in lands, 1868, c. 273. Sale or lease of life estates and estates dependent.

and any person or persons is or are entitled to a remainder or remainders vested or contingent on an executor's devise or devises, or any other interest vested or contingent in the same land, on application of any of the parties in interest, a court of equity may, if all the parties in being are parties to the proceeding, decree a sale or lease thereof, if it shall appear to be advantageous to the parties concerned, and shall direct the investment of the proceeds of sale or the limitations of the leasehold interest, as the case may be, so as to enure in like manner as by the original grant to the use of the same parties who would be entitled to the land sold or leased, and all such decrees if all the persons or parties who would be entitled if the contingency had happened at the date of the decree, shall bind all persons whether in being or not, who claim or may claim any interest in said land under any of the parties to said decree, or under any person from whom any of the parties to such decree claim, or from or under or by the original deed or will by which such particular, limited or conditional estates, with remainders or executory devises were created.

In force and approved March 30, 1868.

ARTICLE XVIII.

Clerks of Courts.

CLERKS GENERALLY.

7. Payments into treasury: penalty.

CLERKS OF COURTS OF BALTIMORE CITY.

77. Salaries of clerks: duty of comptroller.

CLERKS GENERALLY.

1868, c. 197 repeals section 7 and re-enacts the same as follows:

1868, c. 197.
Payments into
treasury.

SEC. 7. Each clerk shall, on the first Mondays of March, June, September and December, in each and every year, pay to the treasurer all public money,

which he may have received, and on his failure to do so within thirty days thereafter, his bond may be put in suit for the use of the state, in which suit recovery shall be had for the amount appearing to be due the state, with interest at the rate of ten per cent. per annum, from the date or dates when the same became payable as aforesaid; and a failure on the part of any clerk to make such payment shall amount to a forfeiture of the commissions to which he would otherwise be entitled, any recovery on the bond of the clerk, for the non-payment of public money received by him shall be evidence of a misdemeanor in office, for which, upon conviction, he may be removed. ^{Penalty.}

In force and approved March 28, 1868.

CLERKS OF COURTS OF BALTIMORE CITY.

1868, c. 54 enacts the following to carry into effect section 37, Art. 4 of Const. (see Const., Art. 3, sec. 45, and Art. 15, sec. 1:)

77. Whenever the fees or other compensation of any of the clerks of the courts of Baltimore city shall, after the payment of all necessary expenses, fail to pay such officer the salary provided for by the constitution, and said clerks, or any of them, shall, under section first, article fifteen, of the constitution, have paid to the state any sum or sums of money as excess, after retaining his salary, such excess, is hereby appropriated to the payment of the salary or salaries so in arrear until each of said clerks shall have received the full amount thereof; and it shall be the duty of the comptroller of the state to draw a warrant upon the state treasurer for the payment of said arrears out of the said excess, not to exceed the amount so in arrear, and not to exceed the whole amount of said excess paid into the treasury of the state. ^{1868, c. 54. Salaries of clerks.} ^{Duty of comptroller.}

Passed and approved February 18, 1868.

ARTICLE XXII.

Comptroller.

1868, c. 210 enacts:

1. That the comptroller of the treasury be and he is hereby fully authorized and empowered to adjust and settle the claims of the state against all collectors, sheriffs, clerks, registers and other collectors or receivers of public moneys, and their securities in all cases where the said claims accrued prior to the year 1866, and whether said claims be now in the form of judgment or otherwise, and for the purpose of closing all such cases the comptroller is hereby fully authorized to compromise the same by abating the interest that has accrued or any portion thereof, or any part of the principal debt in his discretion so as to best subserve the interest of the state, and shall grant discharges to the said parties and their securities upon the payment into the treasury of the amount required by him to be paid in settlement as aforesaid, *provided*, however, that the governor and treasurer for the time being shall each approve in writing of any such abatement before the same shall be effective; and *provided*, further, that no discharge or acquittance under this act shall be effective, unless the party or parties to be benefitted by the same, shall first pay to the state's attorney, who shall have the case in hand, the legal fees and also all fees of clerks and sheriffs.

2. That the state's attorneys shall when required, render unto the comptroller all the assistance he may require in the adjustment and settlement of the aforesaid claims, and the said state's attorneys shall have power to examine evidence and take and certify to affidavits as to the solvency of any official bond that may be in suit, or as to the solvency or insolvency of parties against whom fines and forfeitures were rendered in all cases where such fines and forfeitures form part of the state's claim against the principal and securities on the bond aforesaid; and the state's attorneys shall generally perform and do all other acts and things germane to the purpose of this act that may be required in writing by the comptroller as aforesaid and shall certify and return to the comptroller all the aforesaid evidences.

3. That in all cases wherein the comptroller shall require the state's attorneys to assist him in executing this act, he shall allow them or any of them as compensation a commission of twenty per cent. on any state claim that he may collect or assist him, the comptroller, in collecting, and which said claim accrued prior to 1861; a commission of ten per cent. on any claim he may collect or assist in collecting and which said claim accrued between December 31, 1860, and January 1, 1861; and a commission of five per cent. on any claim he may collect or assist in collecting and which said claim accrued between December 31, 1860, and January 1, 1866; and the comptroller is hereby authorized to expend in his discretion under the approval of the governor and treasurer as aforesaid the sum of \$5,000, or so thereof as may be necessary out of any moneys in the treasury not otherwise appropriated to pay the cost of taking and collecting the aforesaid evidence, *provided*, that all affidavits and other evidence that shall be taken in behalf of the party debtor to the state shall be defrayed by said party and the state shall not be answerable for the same.

In force and approved Marce 28, 1848. See sec. 21 of Art. XI, Public General Laws, Attorneys.

1868, c. 225 repeals the act of 1864, c. 405, entitled an act to establish a uniform system of contracting for printing all such matter pertaining to and for the use of the legislature of the state of Maryland, and for constitutional state convention, which authorized and required the comptroller of the treasury to contract for the public printing.

ARTICLE XXIV.

Conveyancing.

MORTGAGES.

31. Form of assignment of mortgage: to be recorded at foot of mortgage.

MORTGAGES.

1868, c. 373 amends section 31 to read as follows:

SEC. 31. An assignment of a mortgage may be made in the following form or to the like effect:

1868, c. 373.
Form of assign-
ment of mort-
gage.

"I hereby assign the within mortgage to the assignee.

"Witness my hand and seal this day of



And such assignment shall be recorded on the record in the office of the clerk of the court where the original mortgage is recorded, and at or near the foot of the said mortgage, in a blank to be left by the clerk, who shall record such mortgage.

To be recorded
at foot of mort-
gage.

Passed and approved March 30, 1868.

ARTICLE XXVI.

Corporations.

MISCELLANEOUS PROVISIONS.

1. Acknowledgment of deeds.
2. Banking prohibited.
3. Majority to constitute board.
4. Evidence of by-laws.
5. Accounts of transactions open to inspection: annual statement.
6. General meetings of stockholders: notice.
7. Removal from office.
8. Notice to canvass votes at election.
9. Oath of stockholder before voting.
10. Oath when stock owned by a corporation.
11. Vote by proxy: oath.
12. Oath of bank director: qualification.
13. Stock of voter hypothecated.

PROVISIONS FOR THE FORMATION OF CORPORATIONS

14. How corporations formed: educational, moral, scientific, &c., societies: fire engines and hose companies, &c.: proviso.
15. Mechanics' institutes, co-operative stores, &c.: proviso.
16. Buying, selling, &c., land, &c.
17. Fire, life, marine, accident, cattle, &c.: insurance companies: proviso.
18. Homestead or building associations, &c.: odd-fellows, &c.: proviso: cemeteries.
19. Manufacturing, mechanical, &c.
20. Mining.
21. Ores of metals: proviso.
22. Marble, slate, &c., quarries.
23. Boring for, &c., petroleum, salt, &c.
24. Telegraph lines.
25. Ocean, steam, sail, or other ships, &c.
26. Inland steam, &c., ships, &c.
27. Forwarding or warehousing business, &c.: steamboats, wharves, &c.
28. Constructing, selling, &c., bridges, &c.
29. Saving institutions.
30. Gas light companies.
31. Turnpike, plank road and passenger railway companies.
32. Lines of stages and coaches.
33. Water.
34. Immigration.
35. For how many purposes one company may be incorporated.
36. United corporations: proviso.

GENERAL REGULATIONS APPLICABLE TO ALL CORPORATIONS FORMED UNDER THIS ARTICLE.

37. The certificate: what it shall state.
38. Certificate to be submitted to judge.

39. Judge to certify: certificate to be recorded.
40. Incorporated.
41. Evidence of certificate, &c.
42. Alterations or amendments in charter.
43. Fees to clerks: to endorse date of recording.
44. Powers and general regulations.
45. Succession.
46. Sue and be sued.
47. Seal.
48. Purchase, hold, use, &c., property, &c.
49. President, officers, agents, &c.
50. By-laws.
51. Necessary corporate powers.
52. Stock, property and concerns, how managed: citizens: election of managers, &c., notice.
53. Votes of stockholders: voting shares of stock.
54. Vacancy among managers, &c.
55. Failure to elect.
56. Subscriptions to capital stock.
57. Books to show when property received for stock: money payment for stock.
58. Stock, personal property: transfers.
59. Liability of stockholders: when capital stock to be paid in.
60. Certificate of capital stock, &c.: to be recorded.
61. When no personal liability: when trust funds, &c., liable.
62. Dividends: when managers, &c., liable for all debts.
63. When managers, &c., not liable: certificate.
64. No loans to stockholders: liability: to what associations not applicable.
65. Demand, and calling in of subscriptions: penalty: notice.
66. Statements of affairs under oath: open to stockholders: penalty.
67. Book of stockholders' names: open to stockholders and creditors: penalty.
68. Annual statements of affairs under oath: to be recorded in corporation's office.
69. How capital stock increased or diminished: corporation under special law.
70. Debts to be satisfied and reduced.
71. Notice of meeting to stockholders to increase, &c.: capital stock.
72. Two-thirds of shares of stock to be represented: to organize.
73. Certificate of capital paid in, &c.: to be recorded in office of clerk of court.
74. Corporations heretofore formed may be formed under this article: provisos: notice.

75. To determine the number of shares of capital stock: name of new corporation: certificate of incorporation: what to contain.

76. Certificate to be under oath: to be inspected, certified to and recorded: corporation completed: powers and privileges: property and debts of former corporation: liability of new corporation.

77. Subject to subsequent laws.

UNIFORMED VOLUNTEER COMPANIES.

78. Militia.

CEMETERIES.

79. Cemetery companies.

80. Lanes, streets, &c., through cemeteries.

81. Burial lots in cemeteries: exempt from execution, attachment, &c.: descent, devise or sale of.

82. Certificate of title under corporate seal.

83. Injuring, &c., tombs, monuments, &c.: fire-arms: penalty.

HOMESTEAD OR BUILDING ASSOCIATIONS.

84. Corporation may limit shares: entrance fee: instalments: proviso.

85. Power to enforce payment of instalments or dues.

86. Bonus or assessment on new member or stockholder.

87. Power to advance: to purchase: security.

88. Payment of unpaid instalments to be secured by mortgages, &c.: exempt from taxation.

89. Member of corporation, competent witness.

90. Prior association merged in new corporation.

91. Trustee, &c., of association to assign to corporation: liabilities of association.

92. Corporations for loaning money on real or personal property.

GAS LIGHT COMPANIES.

93. Gas light: gas conductors.

WATER COMPANIES.

94. Water: power to lay pipes, &c.: proviso.

95. Power to condemn property.

INSURANCE COMPANIES.

96. Capital stock: to be paid in.

97. Incorporation certificate of insurance companies, other than life: what to contain: proviso: security companies.

98. Mutual or stock.

99. Life insurance or accident: annuities.

100. Life insurance: guarantee capital: securities to be deposited in state treasury: power to sell, &c., securities: interest and profits.

101. Insurance by married women: to whom payable.

102. Foreign companies: agents: certified copy of appointment to be recorded in clerk's office, superior court.

103. Certified copy of annual charter and statement to be recorded: what to contain: life insurance certificate, when to be filed: penalty against agents.

104. Insurance of property of minors and married women.

105. Annual statement under oath: to be published.

106. Foreign insurance companies to publish annual statements.

TURNPIKE, PLANK ROAD AND PASSENGER RAILWAY COMPANIES.

107. How formed: power to change bed of county road: construction of road.

108. Report to county commissioners: duty of county commissioners.

109. Revision of toll rates: report of revenue and expenditures: rates of toll chargeable: to be recorded in county commissioners' office, &c.

110. Report to comptroller: duty of governor: toll-gates: annual report to comptroller.

111. Locating road through town or city.

112. Right of way.

113. Agreement for right of way: to be recorded.

114. Plat: to be recorded.

115. Neglect to repair road: petition to circuit court: jury: inquisition: confirmation by court: trial in court: quashing proceedings: judgment.

116. Right to charge tolls, when forfeited.

117. When road forfeited: to vest in county commissioners: transfer to new corporation.

FOR THE ERECTION OF BRIDGES.

118. Bridges, how to be erected: consent of county commissioners.

119. Abutments, &c.: power to condemn property.

120. Report to county commissioners: duty of county commissioners: rates of toll: dividend.

121. Revision of toll rates: receipts and expenditures.

122. Report to comptroller: duty of governor.

123. Right to charge tolls: to be printed.

124. Bridge on navigable river.

125. Report to governor.

126. Neglect to repair bridges.

FOR CONSTRUCTING, OWNING OR OPERATING TELEGRAPH LINES.

127. Telegraph companies, how incorporated.

128. Power to purchase. &c.

129. Power to construct telegraphic lines : provisos : postal roads, &c. : responsibility : damages : justices of the peace to issue : jurors.

130. Appraisement of loss or damage.

131. Inquisition : confirmation by court : valuation : easement.

132. Capital stock : extending lines, &c. : consolidated companies : certificate : to be recorded in office of clerk of court.

133. Dispatches : penalty : proviso : newspapers.

134. Injuring, &c., lines, posts, &c. : penalty.

135. Divulging contents of communications : penalty.

136. Injuring wires, posts, &c., by cutting timber near by : action for damages.

FOR MANUFACTURING PURPOSES.

137. Power to change or extend business : certificate.

FOR MINING AND OTHER PURPOSES.

138. Land and capital stock.

139. Railroads.

140. Lands of Ches. & O. Can. Co. & Balt. & O. R. R. Co.

141. Reservation by legislature, as to railroads.

142. Railroad through city or town, &c.

143. Power to condemn property.

144. Connected roads.

145. Rates : proviso.

146. Cars.

147. Length of mining railroads.

148. Transportation.

149. Wills' Mountain.

150. Disputes decided by board of public works.

151. Lien law.

SAVING INSTITUTIONS.

152. Deposits : proviso.

153. Committee of examination : report to be published : dividends.

154. Inspection by state treasurer.

155. Capital stock.

RELIGIOUS CORPORATIONS.

156. Church trustees.

157. Powers of trustees : proviso : sale, &c., of property : yearly income.

158. Succession.

160. Minister to be a member of the body politic.

161. Right to vote and election : plan or agreement.

162. Qualifications : name of corporation.

163. Record book : to be acknowledged.

164. Plan or agreement to be recorded in office of clerk of court.

165. Amendment of plan.

166. Meetings of members : record book : rules and regulations.

167. Secession of part of congregation, &c. : proviso : dues and debts.

168. Trustee to convey to corporation.

169. Protestant episcopal church.

CONDEMNATION OF PROPERTY BY CORPORATIONS.

170. Power to condemn property : application to judge : warrant to sheriff : jury.

171. Inquest of damages.

172. Jurors' oath.

173. Inquisition : confirmation by court.

174. Description of property : valuation : costs.

175. Compensation for private property : road on private property.

PROCEEDINGS FOR PREVENTING AND CORRECTING ABUSES OF THE POWER OF CORPORATIONS, AND FOR THE FORFEITURE OF THEIR CHARTERS.

176. Legal proceedings against corporations : petition : rule to show cause.

177. Answer by corporation.

178. Pleadings.

179. Joinder of issue and trial : forfeiture of charter : receivers.

180. Neglect to file answer : hearing ex parte.

181. Dismissal of petition : costs : orders : final decree.

182. Petition for forfeiture, where filed.

183. Appeal to court of appeals.

184. Power of governor : injunction : bill to restrain, where filed : power of court.

DISSOLUTION OF CORPORATIONS.

185. Insolvent corporations, how proceeded against : not applicable to railroad company chartered by state.

186. Proceedings : bill for dissolution.

187. What bill to contain : exhibits : inventory of assets : capital stock and list of stockholders, &c. : incumbrances and creditors : statements to be made under oath.

188. Court to pass order to show cause : to be published : answer : evidence.

189. Decree to dissolve : receivers.

190. Powers and duties of receivers.

191. What sales, &c., void.

192. Liability of stockholders.

193. Trustees for creditors and stockholders : their powers.

194. Depending suits.

195. Suits by receivers.

196. Abatement of suits.

197. Continuance of suits : final judgment.

**PROCEEDINGS ON EXECUTION AGAINST THE STOCK
AND TRANSFERABLE DEBTS OF CORPORATIONS.**

198. What liable to execution or attachment.

199. Duty of sheriff: notice to president, &c., of seizure.

200. Certificate of number of shares, &c.: attachment for contempt against president, &c., of company: books.

201. Schedule of shares, or debt: notice to corporation.

202. Advertisement and sale.

203. Transfer after seizure.

204. Discontinuance of proceedings.

205. Sale by Sheriff and transfer to purchaser.

206. Punishment of recusant corporation officers.

207. Refusal by purchaser to accept transfer: action against sheriff or corporation.

208. Fee for transfer.

PROCESS.

209. Liability of foreign corporations.

210. Service of process: suits and where brought.

211. Suits in court or before justices: service of process: notice: attachments

212. Service on agents: service of copy of process on president, &c.: affidavit.

213. Judgment by default, jury of inquiry, &c.

214. Bill against debtors of corporations: decree: trial at law: bill of discovery: appeal: bill, where filed.

215. Sufficient description.

216. How far this article applicable to all corporations.

217. Stores connected with railroad or mining companies: co-operative stores.

218. Steamships or steamboats connected with railroad companies.

219. Preferred stock: perpetual dividend: proviso: general meeting of stockholders.

1868, c. 471, entitled an act to repeal Article XXVI of the Code of Public General laws, and to enact a substitute therefor, and to repeal section 22 of Article XVI: sections 99 to 103 of the same article [should be Art. LXXV] and sections 33 to 43 of Article LXXXVIII of the Code of Public General Laws, enacts as follows:

MISCELLANEOUS PROVISIONS.

SEC. 1. Any corporation may acknowledge any deed which said corporation has the power to make, by attorney appointed by such corporation, under the seal thereof, and such appointment may be embodied in the deed. 1868, c. 471.
Acknowledgment of deeds.

2. No corporation created, or to be created, and not expressly incorporated for banking purposes shall, by any implication or construction, be authorized to exercise banking privileges, or to issue any note, token or device, scrip or other evidence of debt, to be used as currency. Banking prohibited.

3. When the corporate powers of any corporation incorporated under the laws of this state, are directed by its charter or certificate of incorporation to be exercised by any particular body, or number of persons, a majority of such body of persons, if it be not otherwise provided in the charter or certificate of incorporation, shall be a sufficient number to form a board for the Majority to constitute a board.

transaction of business, and every decision of a majority of the persons duly assembled as a board, shall be valid as a corporate act.

Evidence of
by-laws.

4. A copy of any by-law of any corporation incorporated under the laws of this state, under its seal and purporting to be signed by the president, secretary or treasurer of the corporation, shall be received as *prima facie* evidence of such by-law in the courts of this state.

Accounts of
transactions
open to inspection.

5. The president and directors of every corporation shall keep full, fair and correct accounts of their transactions, which shall be open at all times to the inspection of the stockholders or members, and they shall annually prepare a full and true statement of the affairs of the corporation, which shall be certified to by the president and secretary and submitted at the annual meeting of the stockholders or members.

Annual statement.

General meeting of stockholders.

6. General meetings of the stockholders of any corporation, incorporated under the laws of this state, may be called at any time upon the requirements of stockholders entitled to vote a majority of the stock of said corporation, of which meeting not less than ten days' notice shall be given in a newspaper published in the county in which the principal place of business of said corporation is situate, and also in a newspaper published in the city of Baltimore, and when said principal place of business is situate in said city then in two newspapers published therein, and if the president and directors refuse to call such meeting, the said stockholders so owning a majority of said stock may do so on giving notice as above set forth.

Notice.

Removal from
office.

7. At any general meeting of the stockholders, called as provided for in the next preceding section, any president, director or directors of said corporation may, by a vote of a majority in interest of the whole number of stockholders, be removed from office, and another or others be appointed in the place of the person or persons so removed to serve for the remainder of his or their turn.

Notice to canvass votes at election.

8. Whenever five or more stockholders of any private corporation, created under the laws of this state,

at least thirty days before an election for managers, directors, or other officers of such corporation elected by the stockholders thereof, shall give notice in writing of their intention to canvass the votes, which may be given at the next election thereof, and shall deliver said notice at the usual place of business of such corporation to the president, cashier, secretary, treasurer, director or other principal manager of such company, it shall be the duty of the officer receiving such notice, immediately to communicate the same by mail to all the stockholders of such corporation living in the state.

9. Upon proof made to the judges of any such election of such notice having been delivered as aforesaid, by any five stockholders, such judges shall, before receiving the votes, require every stockholder offering to vote in person the stock of the corporation, to make an oath or affirmation that the stock which such person proposes and offers to vote in the election then to be held, is his sole and *bona fide* property, or belongs solely and *bona fide* to him and his partner or partners in trade, or is held by him as trustee, or in some fiduciary relation, to be specified in such oath, and that his right and title to the same has been fairly and *bona fide* and not colorably and fraudulently created or acquired, and not with any intent to increase the number of votes which would otherwise be allowed to said stock, nor in any manner, directly or indirectly, to violate, avoid or evade the standard of voting, as fixed either by the charter of said company or its by-laws, and that the said stock, to the best of his knowledge, belief and information, or any interest he has therein, is not retained in his name or in that of his partner, on the books of said corporation, with any such intent, design or purpose, and that he does design in all respects and in good faith to comply with the charters of the said corporation and its regulations upon the subject of voting stock therein.

Oath of stockholder before voting.

10. Whenever such stock is owned by and stands in the name of any corporation or body politic, some officer thereof shall take the oath prescribed in the last

Oath, when stock owned by a corporation.

preceding section, and further declare, on oath, that he has full opportunity, from his official station in the corporation, to know the opinions and sentiments of a majority of the directors thereof, in relation to such stock, and that he represents them fairly in the premises.

Vote by proxy :
oath.

11. No person or body corporate, shall vote by proxy on stock held in any private corporation, unless the person, or in case of a body corporate, the president, cashier, or some lawfully constituted officer thereof, shall make oath, before some person authorized by the laws of Maryland, or by the laws of the state where the same shall be administered to administer an 'oath, to the same effect as required by the ninth section of this article, a certificate of which oath shall be produced before the person or persons holding said election, before any vote by proxy shall be received.

Oath.

Oath of bank
director.

12. No person shall act as director of any bank, requiring that the directors thereof shall hold any number of shares therein, unless the said director, before he acts as such, shall make oath before some justice of the peace, that he is the sole and *bona fide* owner of the stock standing in his name on the books of said bank, and that the same has not been transferred to qualify him to serve as director therein.

Qualification.

Stock of voter,
hypothecated

13. In all cases where the stock in any corporation in this state shall have been hypothecated, or pledged by the owner thereof as security for the payment of any debt or loan, such person, upon exhibiting to the person holding any election in such corporation, a certificate in writing from the pawnee of said stock, that the same is held in pledge or by hypothecation, shall, until forfeiture, be deemed and taken to be the holder of such stock, and as such, entitled to vote the same; and every person holding stock in such corporation as executor, administrator, guardian or trustee, shall represent the shares of stock in his hands, and may vote accordingly as a stockholder at any election in such corporation.

PROVISIONS FOR THE FORMATION OF CORPORATIONS.

14. Corporations may be formed in this state, under How formed. the provisions hereinafter set forth, by any five or more persons, citizens of the United States, and a majority of them citizens of this state, or if unnaturalized, residents of this state making oath that they *bona fide* intend to become citizens of the United States without unreasonable delay, who may desire to form a body corporate or politic, for any of the following purposes:

Class 1. For the creation and maintenance of educational, moral, scientific, literary, dramatic, musical, social, benevolent or beneficial societies or associations, of all descriptions; of religious or charitable societies or associations; fire engines and hose companies, and of uniformed volunteer companies, of universities, colleges, academies, hospitals or asylums; *provided*, such corporations are located in this state, and that the property which they possess or acquire is located therein. Educational, moral, scientific, &c., societies. Fire engines and hose companies, &c. Proviso.

15. *Class 2.* For the creation and maintenance of mechanics' institutes, co-operative stores or societies, libraries, public reading or lecture rooms, medical societies, public hotels, public baths, dairy associations, and agricultural or horticultural societies, fairs or exhibitions, and companies for the packing of fruits, vegetables and other things; *provided*, such corporations are located in this state, and the property they possess or acquire is located therein. Mechanics' institutes, co-operative stores, &c. Proviso.

16. *Class 3.* For buying, selling, mortgaging, leasing, improving, disposing of, or otherwise dealing with land in this state, or partly in this state and partly beyond this state, and for the procuring, preparing for market, transportation and selling of lumber, timber, wood, or other products of land. For buying, selling, &c., land, &c.

17. *Class 4.* For the formation of fire, life, marine, accident and cattle, and all live stock and other kinds of insurance companies; *provided*, they shall have their principal office in this state. For fire, life, marine, accident, cattle, &c., insurance companies. Proviso.

18. *Class 5.* For the formation of homestead or building associations, or associations for the loan of money on real or personal property, and for the incor- Homestead or building associations, &c.

Odd-fellows, &c. poration of associations of Odd Fellows, Free and Accepted Masons, Sons of Temperance, Good Templars or other kindred associations; *provided*, that the property owned or acquired by such corporation is located in this state, and for forming, laying out and maintaining cemeteries in this state.

Manufacturing, mechanical, &c. 19. *Class 6.* For carrying on in this state any kind of manufacturing, ship building, mechanical, industrial or chemical business, and for the sale, transportation, or other disposition of the products thereof.

Mining. 20. *Class 7.* For conducting any kind of mining business in this state, and for selling or otherwise disposing of the products of said business where the principal office of said corporation is located in this state.

Ores of metals. 21. *Class 8.* For washing, dressing, smelting and otherwise preparing for and bringing to market and selling the ores of all kinds of metals; *provided*, said corporations carry on their general operations in this state, and have their principal office therein.

Marble, slate, &c., quarries. 22. *Class 9.* For opening and working quarries of marble, slate or other economic minerals or mineral substances in this state, and for the manufacturing thereof in this state, and for the transportation or exportation and sale thereof.

Boring for, &c., petroleum, salt, &c. 23. *Class 10.* For boring for, opening, using or refining petroleum, salt, or other mineral springs in this state, and for boring for, opening, using or refining in this state, other oils, where the principal office of said corporation is located in this state.

Telegraph lines. 24. *Class 11.* For constructing, owning or operating telegraph lines in this state, where the principal office of said corporation is located in this state.

Ocean steam, sail or other ships, &c. 25. *Class 12.* For navigating the ocean by steam, sail or other ships or vessels, and transportation of goods and passengers therein, where the principal port of entry and departure thereof is in the United States, and the principal business office of said corporation is located in this state.

Inland steam, &c., ships, &c. 26. *Class 13.* For navigating the waters of this and adjoining states by steam, sail or other boats or

vessels, and for the transportation of goods and passengers therein, where the principal office of said corporation is located in this state.

27. *Class* 14. For carrying on any forwarding or warehousing business in this state, and for the construction, owning, chartering or leasing of steamboats, wharves, docks, roads, vehicles or other property required for the purpose of such forwarding or warehousing business, where the principal office of said corporation is located in this state.

Forwarding or warehousing business &c.

Steamboats, wharves, &c.

28. *Class* 15. For acquiring or constructing and maintaining, selling, leasing or otherwise disposing of any bridge, pier, wharf, floating or dry dock, or marine railway in this state, where the principal office of said corporation is located therein.

Constructing, selling, &c., bridges, &c.

29. *Class* 16. For the formation of saving institutions.

Savings Institutions.

30. *Class* 17. For the formation of gaslight companies.

Gaslight companies.

31. *Class* 18. For the formation of turnpike and plank road companies, and for the formation of passenger railway companies outside the limits of the city of Baltimore, not to exceed twelve miles in length.

Turnpike, plank road and passenger railway companies.

32. *Class* 19. For establishing and maintaining lines of stages and stage coaches for the conveyance of passengers and mails of the United States within this state.

Lines of stages and coaches.

33. *Class* 20. For the purpose of supplying any city or town in this state with pure water.

Water.

34. *Class* 21. For the formation of societies or associations for the promotion of immigration into this state.

Immigration.

35. Any company may be incorporated for any two or more of the purposes aforesaid, where in the judgment of those forming said company the same may be conducted by one corporation with advantage to its general interests.

For how many purposes one company may be incorporated.

36. Any corporation incorporated under this article, or any corporation heretofore formed and now existing, the capital stock of which has been fully paid up, may

United corporation.

Proviso.

unite with any other corporation incorporated under this article, the capital stock of which has also been fully paid up, where the said corporations have been originally incorporated in whole or in part for the same purpose, and may by such union form one new corporation; *provided*, that a majority of the stockholders of each of the said corporations forming such union shall assent thereto. Such union or consolidation shall be made upon such terms and conditions as shall be agreed upon by the said corporations, and the said new consolidated corporation shall have such name and such capital stock as shall be agreed upon between the corporations, parties thereto, and when such union or consolidation is made, a certificate of the said union and of the particulars thereof shall be executed by the said corporations, and be acknowledged and recorded as other certificates of incorporations are in this article directed to be acknowledged and recorded.

**GENERAL REGULATIONS APPLICABLE TO ALL CORPORATIONS FORMED
UNDER THIS ARTICLE.**

The certificate.

37. Any five or more persons, citizens of the United States, and a majority of them citizens of this state, who may desire to form a corporation for any of the purposes hereinbefore referred to, shall make, sign, seal and acknowledge before some officer competent to take the acknowledgment of deeds, a certificate in writing in which shall be stated:

What it shall state.

1. The names in full and place of residence of the applicants.

2. The proposed corporate name of the corporation, which shall always include the name of the county or city in which it may be formed.

3. The objects or purposes for which incorporation is sought; the time of its existence not to exceed forty years, and the articles, conditions and provisions under which the incorporation is formed.

4. The place or places where the operations of the corporation are to be carried on, and the place in this state in which the principal office of the corporation will be located.

5. The amount of capital stock (if any) of the corporation.

6. The number of shares of stock (if any) and the amount of each share.

7. The number of trustees, directors or managers, and their names, who shall manage the concerns of the corporation for the first year.

38. When said certificate is executed, it shall be the duty of the persons executing the same to submit it to one of the judges of the judicial circuit within which the principal or any other office of said corporation is, under said certificate, to be located, if it shall be located in one of the counties of this state, or to one of the judges of the supreme bench of Baltimore city, if the principal office of said corporation shall be located in Baltimore city, in order that the said judge may determine whether the said certificate is in conformity with the law.

Certificate to
be submitted
to judge.

39. If the said judge shall so determine, he shall certify his said determination upon the said certificate, which shall thereupon be recorded in the office of the clerk of the circuit court for the county in which the principal office of said corporation shall, by the terms of said certificate, be located, if it shall be located in one of the counties of this state, or in the office of the clerk of the superior court of Baltimore city, if the principal office of said corporation shall be located therein, and the said certificate shall be recorded in a book provided for that special purpose.

Judge to cer-
tify: certificate
to be recorded.

40. When the said certificate shall have been recorded, the persons who have signed and acknowledged the same, and their successors shall, according to the objects, purposes, articles, conditions and provisions in said instrument contained, become, and be a body

Incorporated.

politic and corporate, in fact and in law, by the name stated in such certificate.

Evidence of
certificate, &c.

41. A copy of such certificate, or of any amendments thereto, or of any paper relating to corporations, which is required by law to be recorded, when certified to be a true copy by the clerk of the court, in whose office the same is recorded, under the seal of his office, shall be evidence in all legal proceedings, and in all the courts of this state.

Alterations or
amendments
in charter.

42. If any alteration or amendment of the articles or provisions of the charter of any of said corporations, shall be made by the authority of the corporation, such alteration or amendment shall be made known, acknowledged and recorded in the same manner as prescribed in sections thirty-seven, thirty-eight and thirty-nine of this article; and after the said alteration or amendment shall be recorded, the same shall be taken to be a part of the said charter or instrument as if the same had originally been made a part thereof.

Fees to clerks.

43. The usual fees for equal or similar services shall be received by the respective clerks under this article, and all the expenses of procuring the charter of incorporation and recording the same, shall be borne by the parties respectively applying therefor, and the date and fact of recording shall be endorsed by the clerk on every original instrument.

To endorse
date of record-
ing.

Powers and
general regu-
lations.

44. Every corporation incorporated under this article shall have the following powers and be subjected to the following general regulations, except in cases where the special provisions relating to any particular corporation are inconsistent with the said general regulations.

Succession.

45. Any such corporation shall have power—*First*. To have succession by its corporate name for the period prescribed by law or by the certificate evidencing its incorporation where the said certificate is in accordance with law.

Sue and be
sued.

46. *Second*. To sue and be sued, complain and defend in any court of law or equity.

Seal.

47. *Third*. To make and use a common seal and alter the same at pleasure.

48. *Fourth.* To acquire by purchase or in any other manner, and take, receive, hold, use, employ, manage, dispose of, or in any manner not inconsistent with law, deal with any property, real, personal, or mixed, and situate in or out of this state, which may be necessary or proper to enable the said corporation to carry on the operations, or fulfill the purposes named in its certificate of incorporation, and generally to do every other act or thing, not inconsistent with law, which may be necessary or proper, to promote the objects, designs and purposes for which said corporation was formed.

Purchase, hold, use, &c., property, &c.

49. *Fifth.* To appoint a president of the company from among the directors, trustees or managers, and to appoint such officers and agents as the business of the corporation shall require; to allow them a suitable compensation, require security for the faithful discharge of their duties, and regulate the tenure of office of the said officers.

President, officers, agents, &c.

50. *Sixth.* To make by-laws not inconsistent with law, for the management of its property, the regulation of its affairs, and for the transfer of its stock, if any such stock there be; for the forfeiture of stock not paid for, and for disposition of the proceeds thereof; for the calling of regular, special and general meetings of the directors, managers and trustees of said corporation, and fixing the place or places where the same shall be held, and to provide for all other matters which may be regulated by by-laws, and may, from time to time, repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereof, shall, from that time only, cease to have force. The stockholders or members of the corporation may, at any general meeting, make by-laws, which shall not be rescinded by the directors, managers or trustees.

By-laws.

Necessary corporate powers.

51. No corporation shall possess or exercise any corporate powers, except such as are conferred by law, and such as shall be necessary to the exercise of the powers so acquired.

Stock, property and concerns, how managed.

52. The stock, if any, property and concerns of any corporation, for whose creation provision is made in this article, shall be managed by such number of trustees, directors or managers as its by-laws or charter shall prescribe, said number to be not less than four nor more than twelve, who shall respectively be citizens of the United States, and a majority of them citizens of this state; or, if unnaturalized residents of this state, shall make oath that they intend to become citizens of the United States without unreasonable delay, and shall, except the first year, be annually elected by the stockholders, where there are such, or by the shareholders or members where there are no stockholders at such meeting, time and place, and after such notice as shall be directed by the by-laws of the corporation; and the election shall, except in cases otherwise provided for herein, be made by such of the stockholders, shareholders or members, as the case may be, who shall attend for that purpose, either in person or by proxy; and where no other notice is provided for by the by-laws, public notice of the time and place of holding such election shall be published not less than ten days previously thereto, in a newspaper printed nearest to the place where the principal office of said corporation in this state shall be located.

Citizens.

Election of managers, &c.

Notice.

Votes of stockholders.

Voting shares of stock.

53. In all corporations in which there are stockholders, all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in said corporation; and the persons receiving the greatest number of votes shall be trustees, managers or directors; and in the case of all other corporations the mode of electing trustees, managers or directors shall be regulated by the charter or by-laws of such corporation; but no share of stock shall be voted by any stockholder unless all instalments have been paid thereon, which may have

been called for on any part of the stock of such corporation.

54. When any vacancy shall happen among the trustees, directors or managers, by death, resignation or otherwise, it shall be filled for the remainder of the year or other term, in such manner as may be provided by the by-laws of the said corporation. Vacancy among managers, &c.

55. If it shall happen at any time that an election of trustees, directors or managers shall not be made on the day designated by the by-laws of the said corporation, the corporation, for that reason, shall not be dissolved; but it shall be lawful on any other day to hold such election in such manner as may be provided by the by-laws, and all acts of trustees or managers shall be valid as against such corporation until their successors shall be elected. Failure to elect.

56. Subscriptions to the capital stock of such of said corporations as have capital stock, may be made in land or other property at a valuation agreed upon between the corporation and the subscriber, where the said property so subscribed shall be such as it is proper that the said corporation shall own for the advancement of the purposes for which it was incorporated, but such subscriptions shall not be otherwise received nor shall they be so received unless the same shall have been previously authorized by the stockholders assembled in general meeting, pursuant to a call to consider the propriety of receiving the said subscription and of fixing the terms upon which it shall be received. Subscriptions to capital stock.

57. Where property of any kind is received by the authority of the stockholders in general meeting as aforesaid, in payment for stock, the books of the company shall be so kept as to show at all times fully what property was received for the said stock, at what value and the number of shares of the capital stock issued for the same; in all other cases money only shall be considered as payment of a subscription to any part of the capital stock. Books to show when property received for stock. Money payment for stock.

58. The stock, of any corporation created under this article, shall be deemed personal estate, and shall be Stock, personal property.

Transfers.	transferable as shall be prescribed by the by-laws of the corporation; and no shares shall be transferable until all previous calls thereon shall have been paid in, or shall have been declared forfeited for the non-payment of the calls thereon.
Liability of stockholders.	59. All the stockholders of any such corporation shall be severally and individually liable to the creditors of the corporation of which they are stockholders, to an amount of stock equal to the amount of stock held by them respectively, for all debts and contracts made by the corporation, until the whole amount of the capital stock fixed and limited by the corporation shall have been paid in, and a certificate thereof made and filed as prescribed in the following section of this article; and the capital stock so fixed and limited, shall all be paid in, one-half thereof in one year, and the other half thereof in two years, from and after the incorporation of said company, or such corporation shall be dissolved.
When capital stock to be paid in.	
Certificate of capital stock, &c.	60. The president and a majority of the trustees, directors or managers of such corporation, within thirty days after the payment of the last instalment of the capital stock, as fixed and limited in the certificate of incorporation, shall make a certificate stating the amount of the capital stock so fixed and paid in, and of all property received in payment for any of said subscriptions, and the extent to which said payments have been so made in property, which certificate shall be signed and sworn to by the president; and he shall,
To be recorded.	within thirty days thereafter, file the same with the clerk of the court in which the certificate of incorporation of said corporation was recorded, to be by said clerk recorded.
When no personal liability.	61. No person holding stock in any such corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholders of such corporation; but the person pledging the stock shall be considered as holding the same, and shall be liable as stockholder accordingly, and the estates and
When trust funds, &c., liable.	

funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or ward or person interested in such trust fund, would have been if he had been living and competent to act, and held the same stock in his own name.

62. If the trustees, managers or directors of any such corporation shall declare and pay any dividend when the corporation is insolvent, or any dividend, the payment of which would render it insolvent, or would diminish the amount of the capital stock, they shall be jointly and severally liable for all the debts of the corporation then existing, and also for all that shall thereafter be contracted, while they shall respectively continue in office, even although the whole amount of the capital of the said corporation has been paid in.

Dividends.

When managers, &c., liable for all debts.

63. If any of the trustees, directors or managers of such corporation shall object to declaring such dividend, or to the payment of the same, and having voted against the declaration thereof, shall, at any time before the time fixed for the payment of the same, record a certificate of their objection, in writing, with the clerk of the court in which the original certificate of incorporation is filed, they shall be exempt from the liability imposed in the last preceding section.

When managers, &c., not liable.

Certificate.

64. No loan of money shall be made by any such corporation to any stockholder therein, and if any such loan shall be made to any stockholder, the officer or officers who shall make it, or who shall assent thereto, shall be jointly and severally liable for all the debts of the corporation contracted before the making of the said loan to the extent of double the amount of said loan; this section shall not, however, apply to any building or homestead association, or any association for the loan of money on real or personal property, or to any savings institution.

No loans to stockholders.

Liability.

To what associations not applicable.

65. The trustees, directors or managers of any corporation created under this article, and having a capital stock, may call in and demand from the stockholders, respectively, all sums of money by them subscribed, at

Demand and calling in, of subscriptions.

such times and in such payments and instalments as the trustees, directors or managers may deem proper, under the penalty of forfeiting the shares of stock subscribed, and all previous payments made thereon, if payment shall not be made by the stockholders within ninety days after a personal demand, or after a notice requiring such payment, published in a newspaper printed nearest to the place where the principal office of the corporation is located.

Statements of
affairs under
oath.

66. When any person or persons, owning five per cent. of the capital stock of any corporation formed under the provisions of this article, shall present to the treasurer or chief finance officer thereof, a written request for a statement of the affairs of said corporation, it shall be the duty of such treasurer or chief finance officer to make a statement of the affairs of said corporation under oath, embracing a particular account of all its assets and liabilities and minute detail, and to deliver such statement to the person or persons who presented the said written request to the said treasurer or chief finance officer, within twenty days after such presentation, and keep on file in his office for six months thereafter a copy of such statement, which shall, at all times during business hours, be exhibited to any stockholder of said company demanding an examination thereof; if such treasurer or chief finance officer, as the case may be, shall neglect or refuse to make or deliver such statement as aforesaid, he shall forfeit and pay to the person presenting said written request the sum of fifty dollars, and the further sum of twenty-five dollars for every twenty-four hours thereafter, until such statement shall be furnished, to be sued for and recovered in any court having jurisdiction over the person of such defaulting officers and cognizance of said suit.

Open to stock-
holders.

Penalty.

Book of stock-
holders' names.

67. It shall be the duty of every corporation incorporated under this article to cause a book to be kept by the treasurer or secretary thereof, containing the names of all persons, alphabetically arranged, who are or shall have been within three years stockholders of

said corporation, and showing their places of residence, the number of shares held by them respectively, and the time when they respectively became the owners of such shares, which book shall, during the usual business hours of every business day, be open for the inspection of stockholders or creditors of the corporation at the principal office of the said corporation in this state; and every officer or agent of any such corporation who shall neglect or refuse to exhibit the same, shall be deemed guilty of a misdemeanor, and the corporation shall forfeit and pay to the party injured, a penalty of fifty dollars for every such neglect or refusal, and all the damages resulting therefrom to be recovered in an action of debt before a justice of the peace.

Open to stockholders and creditors.

Penalty.

68. It shall be the duty of every corporation formed under this article, having a capital stock, to cause to be made in the first week in January and July in each and every year, a full and particular statement of the affairs of said company, verified by the oaths or affirmations of its President and Treasurer or chief finance officer, which statement shall consist of a particular account of its assets and liabilities in minute details, calculated to the time of making up the statement as aforesaid. Each of the said statements so made up shall be recorded in a book kept in the principal office of the said corporation in this state.

Annual statements of affairs under oath.

To be recorded in corporation's office.

69. Any corporation formed under this article, or under the general laws of this state, or under any special law, and having a capital stock, may increase or diminish the same to any amount that may be deemed sufficient and proper for the purposes of the corporation by complying with the provisions of the following sections, but every corporation incorporated under any special law, which shall so increase or diminish its capital stock, shall remain subject in other particulars to all the limitations contained in its charter, or in any supplement thereto; and every corporation incorporated under the general laws of this state, or under this article, which shall so diminish or increase its

How capital stock increased or diminished.

Corporation under special law.

stock, shall remain subject in other particulars to the provisions of this article.

Debts to be satisfied and reduced.

70. Before any corporation shall be entitled to diminish the amount of its capital stock, under the provisions of the last preceding section, if the amount of its debts and liabilities shall exceed the amount of the capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced, so as not to exceed such diminished amount of capital.

Notice of meeting of stockholders to increase, &c., capital stock.

71. Whenever any corporation shall desire to call a meeting of the stockholders for the purpose of increasing or diminishing the amount of its capital stock, the directors, managers or trustees shall publish a notice signed by at least a majority of them, in a newspaper published in the county or counties, or city where the principal office of said corporation is located, if any shall be published therein, for at least four successive weeks, and shall send or deposit a written or printed copy thereof in the post-office, addressed to each stockholder or member of such corporation, at his usual place of residence, at least three successive weeks previous to the day fixed for the holding such meeting. The said notice shall specify the object of the meeting, the time and place where such meeting shall be held and the amount to which it shall be proposed to increase or diminish the capital.

Two-thirds of shares of stock to be represented.

72. If at any time and place specified in said notice stockholders shall appear in person or by proxy in number representing not less than two-thirds of all the shares of stock of the corporation, the said stockholders, or the said members as the case may be, shall organize by choosing one of the trustees, directors or managers chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present, in person or by proxy, and the vote of at least two-thirds of all the shares of the stock shall be necessary to an increase or diminution of the amount of its capital sock.

To organize.

73. If on canvassing the votes, it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital of said corporation, a certificate of the proceedings showing a compliance herewith, the amount of capital actually paid in, and the amount to which the capital stock shall be increased or diminished, shall be made out and signed by the chairman, and such certificate shall be sworn to by the president, and recorded in the office of the clerk of the superior court of Baltimore city, if the principal office of said corporation shall be therein located, or in the office of the clerk of the circuit court of that county in which said principal office is located.

Certificate of capital paid in, &c.

To be recorded in office of clerk of court.

74. Any corporation heretofore formed under the general laws of this state, or under any special act for any purpose for which a corporation may be formed under this article, may cause itself to be incorporated under this article; *provided*, the directors, managers or trustees thereof give notice to the stockholders thereof, required by the seventy-first section of this article, containing the particulars therein set forth in the manner therein provided, and *provided*, that at the meeting called in pursuance of such notice, or at any adjourned meeting, there be present stockholders representing, in person or by proxy, not less than two-thirds of all the shares of the stock of the said corporation, and the meeting be organized in the manner prescribed in the seventy-second section of this article.

Corporations heretofore formed, may be formed under this article.

Proviso.

Notice.

Proviso.

75. If at such meeting or any adjourned meeting of said stockholders, a sufficient number of votes as aforesaid shall be given in favor of causing said corporation to be incorporated under this article, then the said meeting or any adjourned meeting, representing, as aforesaid, two-thirds of all the shares of the said stock, shall determine the number of shares into which the capital stock of the new company shall be divided, and the rule of the apportionment thereof, and the person who shall be entitled to hold the same, and also the name by which said new corporation shall be

To determine the number of shares of capital stock.

Name of new corporation.

Certificate of
incorporation.

What to con-
tain.

known, and a certificate shall be made out and signed by the president of said meeting, showing the compliance by said corporation, and by the said meeting of stockholders, with the requirements of this article in that behalf, and the said certificate shall also show the proposed name of the new corporation, which shall always include the name of the county or city in which it may be formed, the former name of said corporation, the objects or purposes for which the new corporation is sought, the term of its existence not to exceed forty years, and the articles, conditions and provisions under which the incorporation is formed, the place or places of business where the occupations of the corporations are to be carried on, and the place in this state in which the principal office of the corporation will be located, the amount of the capital stock of the corporation, the number of shares, and the amount of each share, and the number of trustees, directors, or managers who shall manage the concerns of the corporation for the first year.

Certificate to be
under oath.

To be inspect-
ed, certified to,
and recorded.

Corporation
completed.

Powers and
privileges.

Property and
debts of former
corporation.

Liability of new
corporation.

76. The said certificate shall be signed and sworn to or affirmed by the chairman of the said meeting, and shall be also signed by the president of the said corporation, and attested by its seal, and shall be thereupon submitted to judicial inspection, as required by the thirty-eighth section of this article, and shall be certified and recorded as required by the thirty-ninth section of this article; and thereupon the said corporation shall be a body corporate, in fact and in law, under the name set forth in the said certificate, and shall be subject to all the provisions and entitled to all the powers and privileges conferred by this article, so far as the same are applicable to the said corporation, and the former charter of said corporation shall be deemed to be thereupon surrendered, and all the property and assets belonging to the said former corporation, of whatsoever nature and description, and all the debts and liabilities of the said former corporation, of whatsoever nature and description, shall, upon such recording as aforesaid, be devolved upon the said new corporation,

which shall, for this purpose, be regarded as substituted by operation of law, in the room and stead of said former corporation, and all pending proceedings at law or in equity, on behalf of or against said former corporations, may be amended at the instance of either party, so that the said new corporation may be substituted as complainant, plaintiff or defendant, as the case may require, in lieu and in place of the old corporation.

77. Every corporation formed under the provisions of this article, shall be subject to any and all provisions and regulations which may hereafter, by any change in or amendments of the laws of this state, be made applicable to such corporation. Subject to subsequent laws.

UNIFORMED VOLUNTEER COMPANIES.

78. All uniformed volunteer companies shall be Militia. subject to the laws for the government of the militia of this state.

FOR CEMETERIES.

79. No cemetery company formed under the provisions of this article shall be authorized or empowered to purchase, hold, or use for the purposes of burial, more than one hundred acres of land, nor any ground that shall be comprised within the limits of any city or town in this state, unless the corporate authorities of said city or town shall authorize the same. Cemetery companies.

80. No lanes, alleys, streets, roads, canals or public thoroughfares of any sort, shall be opened through the property of any cemetery company incorporated under the provisions of this article, which is used or appropriated for the purpose of burial; but nothing herein contained shall authorize any such corporation to obstruct any public road, street or lane actually opened and used as such at the time of its incorporation, or then laid down on any plat made by authority of the Lanes, streets, &c., through cemeteries.

state or city, town or county, to be opened as a street or road.

Burial lots in
cemeteries.

81. Every burial lot sold or conveyed in such cemetery shall be held by the proprietors thereof for the sole purpose of sepulchre, and for none other, and shall not in any manner be subject to attachment or execution for debt, or affected by the insolvent laws of this state, but the estate of the owner or owners in their respective lots shall descend as real estate to heirs, may be devised by will, or may be disposed of by the owner by sale, with the approval of the president and managers of the corporation.

Exempt from
execution,
attachment, &c.

Descent, devise
or sale.

Certificate of
title under cor-
porate seal.

82. A certificate (under the seal of the corporation,) of the ownership of any lot sold or conveyed as aforesaid, shall in all respects have the same effect as any conveyance from such corporation of said lot would have if executed, acknowledged and recorded as conveyances of real estate are by the laws of this state required to be.

Injuring, &c.,
tombs, monu-
ments, &c.

83. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in said cemetery, or any fence, railing or other work for the protection or ornament of said cemetery, or shall wilfully destroy, cut, break or remove any tree, plant or shrub within its limits, or who shall shoot or discharge any firearms within said limits, shall be considered as guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall be punished by fine, in the discretion of the justice, according to the aggravation of the offense, not less than five nor more than fifty dollars.

Firearms.

Penalty.

HOMESTEAD OR BUILDING ASSOCIATIONS.

Corporation
may limit
shares.

84. Any such corporation formed under the provisions of this article shall have power in its certificate of incorporation to limit the number of shares which each stockholder may be allowed to hold; to prescribe the

entrance fee to be paid by each stockholder at the time Entrance fee.
 of subscribing; to regulate the instalments to be paid
 on each share; *provided*, the same shall not exceed the Proviso.
 sum of one dollar per share, per week; and the times Instalments.
 at which the same shall be payable.

85. Any such corporation shall have power to en- Power to en-
force payment
of instalments
or dues.
 force the payment of all instalments and other dues
 due to the corporation from the members or stock-
 holders, by such fines and forfeitures as the corpora-
 tion may from time to time provide in the by-laws or
 articles of association of such corporation.

86. Any person applying for membership, or for Bonus or as-
essment on
new member or
stockholder.
 stock in any such corporation, after the end of one
 month from the time of incorporation, may be required
 to pay on subscribing, such bonus or assessment as
 may from time to time be fixed or assessed, in such
 manner as may be provided by the corporation, in
 order to place such new member or stockholder on a
 footing with the original members and others holding
 stock at the time of such application.

87. Such corporation may, at any time in advance Power to ad-
vance.
 of the period of time at which such corporation may
 cease to exist, according to the plan contained in the
 original articles of association, advance to any mem-
 ber thereof, for such premium as may be agreed upon,
 the sum which he would be entitled to receive upon
 the dissolution of the corporation, for any number of
 shares therein held; or may purchase from any mem- To purchase.
 ber thereof the share, or any number of shares, of the
 stock held by him, at such price or sum as, according
 to the articles of association such member may agree to
 receive, and on payment of said sum of money may re-
 ceive from such member, security as mentioned in the Security.
 next succeeding section of this article, for the payment
 by such member to such corporation of the unpaid in-
 stalments to be paid on the share or shares of stock
 so sold or redeemed, together with interest at the rate
 of six per cent. per annum on the sum so paid or
 advanced, at such times and subject to such fines
 and penalties for the non-payment thereof as may be

presented in the articles of association or in the by-laws.

Payment of unpaid instalments to be secured by mortgages, &c.

88. The payment of the unpaid instalments on the share or shares so purchased or redeemed, with interest on the money paid therefor as aforesaid, and all fines and penalties incurred in respect thereof by any member, shall be secured to such corporation by mortgage on real or leasehold property, or by the hypothecation of stock of such corporation held by such member as may be provided in the articles of association or by-laws; but in case of hypothecation of stock, no greater sum of money shall at any time be drawn out by any member than shall have been already paid in by him on all his shares at the time of such hypothecation; and any such mortgage and the mortgage debt created thereby, are declared to be exempt from taxation, the property so mortgaged to the corporation being taxed in the hands of the individual member or mortgagor.

Exempt from taxation.

Member of corporation competent witness.

89. On the trial of any action or other proceeding at law, or in equity, in which the property or interest of any such corporation may be in any wise concerned, any member of such corporation shall be a competent witness, and shall not be objected to on account of any interest he may have as such member, in the result of any such action or proceeding.

Prior association merged in new corporation.

90. Any association of persons which may have been organized or established at any time prior to the adoption of this article, on being made a body corporate, under the provisions of this article, shall become merged in such corporate body thereby created, and every act done or to be done by any such unincorporated association of persons, relating to the ends and purposes of such association, and all mortgages, bonds or other instruments, made to such association of persons, or to any person or persons to or for the use of such association of persons, or any member thereof as such, shall remain and continue in full force and virtue at law and in equity, in like manner as if such incorporated association of persons had originally been a body corporate.

91. Any trustee or trustees, person or persons, to whom any such conveyance shall have been made, to and for the use of such incorporated association, may be required to assign and transfer the same to such corporation, and they shall be as good and sufficient as if made to such corporation, and all the liabilities and obligations of, by and between the members of such incorporated association of persons, shall remain of as binding force or effect as if such association had been from the first incorporated.

Trustees, &c., of association to assign to corporation.

Liabilities of association.

92. Such of the provisions of the foregoing sections, from section eighty-four to section ninety-one, both inclusive, as shall be found applicable to corporations which may be formed in this state, for the purpose of loaning money on real or personal property, shall be held to apply to said corporations.

Corporations for loaning money on real or personal property.

GAS LIGHT COMPANIES.

93. Any gas light corporation formed under this act shall have full power to manufacture and sell, and to furnish such quantities of gas as may be required in the city or town where the same may be located, for lighting the streets and public and private buildings and for other purposes; and such corporation shall have power to lay conductors for conducting gas through the streets, lanes, alleys and squares in such city or town, with the consent of the municipal authorities of said city or town, and under such reasonable regulations as they may prescribe.

Gas light.

Gas conductors.

WATER COMPANIES.

94. Any corporation which may be formed under the provisions of this article for the purpose of supplying with pure water any town or city in this state, shall have power to acquire, possess and use all such lands, water rights, and other property, and shall have all such power as may be necessary for the purposes for

Water.

Power to lay
pipes, &c.

Proviso.

Power to con-
demn property.

which said corporation was formed; and shall also have power to lay pipes and construct all such other works in said town or city as shall be necessary or suitable to carry out the purposes of said corporation; *provided*, the assent of the municipal authorities of the said town or city be first obtained, and all such works, and the exercise of the powers hereby granted, shall at all times be subject to such reasonable regulations as said municipal authorities may from time to time prescribe.

95. If any corporation formed for the purposes mentioned in the next preceding section, cannot agree with the owner or owners of any land or water rights, which such corporation may have power to acquire for the purpose of laying pipes or constructing its works, or if such owner or owners, or any of them be a *feme covert*, without power to contract in relation to said property, or under age, or *non compos mentis*, or under any other legal disability, or be absent from the county or city in which the said property may lie, when the said land or water rights may be needed, the corporation may proceed to condemn and acquire the same in the manner provided for in sections one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five of this article.

INSURANCE COMPANIES.

Capital stock.

To be paid in.

Incorporation
certificate of
insurance com-
panies, other
than life.

96. The capital stock of any insurance company incorporated under this article shall not exceed the sum of two millions of dollars, and except in the case of mutual insurance companies, shall not be less than one hundred thousand dollars; and at least one-fifth of the whole capital stock shall be paid in before the said company shall be competent to transact the business for which it shall have been incorporated.

97. Any corporation incorporated under this article for insurance purposes, except for the insurance of the lives of persons, is hereby authorized to include in its

certificate of incorporation as among the other objects and purposes for which said corporation is formed, the following, that is to say: to guarantee the payment, ^{What to contain.} punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, *choses in action*, evidences of debt, and certificates of property or value, and the titles to property, real or personal, on such terms as may be established by the board of directors of said company; to receive on storage, deposit or otherwise, merchandise, bullion, specie, plate, stock, bonds, promissory notes, certificates and evidences of debt, contracts or other property, and to take the management, custody and charge of real or personal estate or property, and to advance money, securities and credits upon any property, real, personal, or mixed, on such terms and with all such powers of sale and other disposition thereof as shall be established by the charter or by-laws of such corporation; *provided*, that the ^{Proviso.} corporate title of any company having among its other purposes those enumerated in this section, shall designate the same as a security, as well as an insurance ^{Security companies.} company.

98. Corporations formed under the provisions of ^{Mutual or stock.} this article, for insurance purposes, may be formed either as mutual or stock companies, or as mutual and stock companies combined, as shall be determined and declared in the certificate of incorporation of said company.

99. Every corporation formed under the provisions ^{Life insurance or accident.} of this article for the purposes of life insurance, is hereby authorized also to insure individuals against ^{Annuities.} accident, and to grant, purchase or dispose of annuities, unless it be otherwise provided in its charter or by-laws.

100. Every life insurance company incorporated ^{Life insurance.} under this article, shall have a guarantee capital of not ^{Guarantee capital.} less than one hundred thousand dollars, which shall be invested either in securities of the United States, of the state of Maryland or of the city of Baltimore, and the

Security to be
deposited in
state treasury.

Power to sell,
&c., securities.

Interest and
profits.

Insurance
by married
women.

To whom paya-
ble.

Foreign com-
panies.

Agents.

same shall before said company shall commence issuing policies, be deposited in the treasury of this state as a guarantee for the payment of the policies of insurance issued by said company; and the said company from time to time, as they shall deem proper, may sell and dispose of the said securities, and exchange and re-deposit the same with the said treasurer, under such rules and regulations for said exchange, and re-deposit as the said treasurer shall direct, the said company confining the said business of sale, disposition and exchange of said securities to either or all of said securities above named in this section; and the interest and profits accruing and made on said securities, and the sale or exchange thereof shall be collected by, and paid to said company.

101. Any married woman, by herself and in her name, or in the name of any other person, with his assent, as her trustee, may insure in any life insurance company formed under the provisions of this article, for her sole use, the life of her husband for any definite period or for the term of his natural life; and in case she shall survive her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her and for her own use, free from the claims of the representatives of the husband or of any of his creditors; and in case of the death of the wife before the decease of the husband, the amount of the insurance may be made payable after death to her children for their use, and to their guardian if under age.

102. It shall not be lawful for any insurance company incorporated under the laws of any other state of the United States, or by any foreign government, directly or indirectly, to take risks or transact any business of insurance in this state, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this article, and any such company desiring to transact any such business as aforesaid by an agent or agents in this state, shall appoint such agent or agents, who shall reside in this

state, and shall file in the office of the clerk of the superior court of Baltimore city a certified copy of the vote or resolution of the directors appointing such agent, to be recorded at the cost of such agent in a book to be specially procured for that purpose, which appointment shall continue until some other agent shall be in like manner appointed in his place, and the appointment certified and recorded as aforesaid.

Certified copy of appointment to be recorded in clerk's office, superior court.

103. Said company shall also file in said clerk's office, to be recorded as aforesaid, a certified copy of its charter, together with a statement under the oath of the president or vice-president and secretary, and to be renewed annually, in the month of January of each year, setting forth the name of the company and the place where located, the amount of capital and the amount actually paid in, with a detailed statement of its assets and its indebtedness, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, and any other claims existing against the company; and in the case of life insurance companies the said certificate shall contain a statement, under the oaths of said certifying officers, that the said company has invested in good securities, naming them, an amount equal to that required of similar companies authorized to be incorporated under this article, and that such securities are held in trust, and by whom, for the benefit of persons who may effect insurance in said company. The first certificate herein required shall be filed by all companies doing business in this state, on or before the first day of July, eighteen hundred and sixty-eight, and any person who shall, after the first day of July, eighteen hundred and sixty-eight, act as agent of any insurance company which has not complied with the provisions in this section contained, shall be subject to a penalty of five hundred dollars for every day he shall so act, to be recovered as other fines and penalties are recovered in this state, one-half to the use of the informer, and one-half to the use of the state.

Certified copy of charter and annual statement, to be recorded.

What to contain.

Life insurance.

Certificate, when to be filed.

Penalty against agents.

Insurance of
property of
minors and
married
women.

104. Any corporation formed under this article may insure the property, real, personal or mixed, which any married woman may own jointly or in severalty, in the same manner as if she were a *feme sole*, and any guardian may with the assent of the orphans' court, by which he shall have been appointed, insure in any company formed under this article, any property which the ward or wards of such guardian may own, either jointly or in severalty, and such insurance shall have the same effect in all respects as if the minor whose property is thus insured, were of full age and had made such insurance himself.

Annual state-
ment under
oath.

105. Every insurance company formed under the provisions of this article, shall annually, in the month of January, cause to be made and certified to be true under the oath or affirmation of the president or other chief officer thereof, a full statement of its affairs, showing its assets and liabilities, and of what each consists, which statement shall be published once a week for three successive weeks, in at least one newspaper published in the city of Baltimore, if said company shall be incorporated therein, and in one newspaper in the county where the said company is incorporated, if incorporated elsewhere than in the city of Baltimore.

To be pub-
lished.

Foreign insur-
ance companies
to publish an-
nual statement.

106. Any insurance company not incorporated in this state, but doing business and having an agent therein, shall annually in the month of January, publish in at least one newspaper in the city of Baltimore, for the period above mentioned, a statement made and certified as above provided.

TURNPIKE, PLANK ROAD AND PASSENGER RAILWAY COMPANIES.

How formed.

107. Corporations for making turnpike or plank roads or passenger railways outside of the limits of the city of Baltimore, and not exceeding twelve miles in length for any one road in this state, may be formed as hereinbefore provided; turnpike or plank roads or passenger railway may be constructed on the bed of any

county road, or on part of the bed thereof, the consent of the county commissioners of the county in which said road may lie having been first given in writing and recorded among the proceedings of said county commissioners, and also recorded in the book or journal of proceedings of said corporation. The location of the bed of any part of said county road may be changed by said corporation for the purpose of a better construction of said turnpike or plank road or passenger railway, provided the land to be occupied, be obtained by agreement with the owners thereof, or by condemnation; at least fifteen feet in width of the bed of any turnpike road shall be covered with broken stone, or gravel, or other hard or durable materials, to the depth of at least twelve inches, unless the natural bed be hard, and the bed of any plank road shall be well and securely laid and covered with plank or wood for the same width.

Power to
change bed of
county road.

Construction of
roads.

108. When any turnpike, or plank road, or passenger railway, shall have been finished one mile in length, the president and directors shall report to the county commissioners of the county in which it may lie, under the oath of the president and a majority of the directors, and of the treasurer of the corporation, the actual cost of said road so far as finished; and thereupon, the county commissioners shall appoint three citizens of the county to examine said road, and determine whether the same is constructed in such manner as will subserve the public interests for the uses to which said road is applicable, who shall report to said county commissioners in writing, and said report shall be reviewed by said county commissioners, and if they shall determine that the road is properly constructed, then as to such turnpike or plank road the company shall be authorized to erect a toll-gate thereon, and to charge such rates of toll as will yield eight per centum per annum, net profit on said actual cost, for distribution to the stockholders, and the same proceedings shall be had as each succeeding mile shall be completed, until the said turnpike, or plank road, or passenger railway shall be

Report to
county com-
missioners.

Duty of county
commission-
ers.

Toll-gates.

finished; but when more than one mile of any turnpike or plank road shall be completed, it shall not be necessary for the corporation to erect more gates than it may deem convenient, and it shall be empowered to collect at the gate or gates, which may be erected, tolls to yield at the rate aforesaid for the number of miles of said road or passenger railway which may be finished.

Revision of toll rates.

Report of revenue and expenditures.

Rates of toll chargeable.

To be recorded in county commissioner's office.

Report to comptroller.

Duty of governor.

Cost of road.

Toll-gates.

109. The corporation of any such turnpike or plank road, shall revise its rates of toll every six months for three years from the completion of its road, and shall report the amounts of its revenue and expenditures at any time when demanded by the county commissioners, and if the receipts shall be found at any time to amount to more than is necessary to yield eight per centum per annum, net, to the stockholders, the tolls shall be reduced to that standard. In all cases the rates of toll chargeable shall be specified and approved in writing by the county commissioners, and shall be, as nearly as may be, such rates as will yield the said dividend and no more, and such writing shall be recorded in the office of the county commissioners, and also in the journal or book of proceedings of the corporation, and copies thereof shall be printed and exposed to public inspection at every toll-gate; and such writing, or a copy thereof, shall be conclusive evidence of the right of the company to charge tolls and of the amounts thereof.

110. If a company shall be formed to make a turnpike or plank road through several of the counties of the state, when the same may be finally completed, a report, as hereinbefore mentioned, shall be made to the comptroller, and by him laid before the governor, of the entire cost of said road; and the said governor shall therefore appoint five commissioners to examine and report to him, on the construction of said road, its adaptation to public uses, the whole cost thereof, and the revenue and expenses of maintaining the same, so far as ascertainable; and if said report shall be favorable, the governor shall issue his warrant to said corporation, authorizing it to establish toll-gates, and speci-

fying the rates of toll which may be charged by said corporation, so that a dividend of eight per centum, net, may be made to the stockholders; and the warrant of the governor shall be final in the premises, and the company shall report annually to the comptroller, who shall lay the same before the governor, who may order a change of location of gates, and of the amount of tolls to be charged, and issue his warrant accordingly, whenever he may deem the same necessary to effectuate the extent of these provisions.

Annual report
to comptroller.

111. When such corporation shall desire to locate its road within the limits of or through any incorporated town or city, it shall obtain the consent of the corporate authorities of each town or city, to be evidenced as provided in the case of county commissioners.

Locating road
through town
or city.

112. When such corporation shall desire to locate the bed of a turnpike or plank road elsewhere than on the bed of existing county roads, it may agree with the owners of lands for the right of way, or obtain the same by condemnation.

Right of way.

113. Every agreement for a right of way through land shall be in writing, acknowledged before a justice of the peace, and recorded by the corporation amongst the records of the county or city in which the lands lie, within six months after its date.

Agreement for
right of way.

To be recorded.

114. Before any turnpike or plank road shall be constructed, the corporation shall cause a plat of the same, describing the *termini* and the proposed location, to be made and recorded in the clerk's office of the county in which the same may be located, and in the clerk's office of every city and county, into or through which the same may be proposed to pass, in case the road to be constructed by said corporation is to pass to or through more than one county.

Plat.

To be recorded.

115. If the corporation shall fail to keep in good order and repair the road made by it, for a space of twenty days, any person or persons may file a petition in the circuit court of the county in which the part of such road not in good order and repair may be,

Neglect to
repair road.

Petition to
circuit court.

Jury. alleging the neglect to keep the same in good order and repair, and any judge of said court, being first satisfied by *ex parte* proof of the truth of the allegations of the petition, shall pass an order directing the sheriff of the county to summon a jury of six persons qualified to serve as jurors in the circuit court, to meet on the part of the said road mentioned in the petition, and the said jurors being first duly sworn or affirmed by said sheriff, shall inquire whether the said part of said road is in good order and repair, and an inquisition in writing shall be signed and sealed by said jurors, and returned by the sheriff to the clerk's office of the circuit court of the county, and if said inquisition shall find that said road is not in good order and repair, any judge of said court may, within ten days after the return of said inquisition, confirm the same, and order that tolls shall not be charged by said corporation at the gates next on either side the place in said road so out of order and repair, until the said road shall be put in good order and repair; but the corporation may before the confirmation of said inquisition, demand a trial in open court, by a jury, whether said road is in good order and repair, or may move to quash the proceedings for any matter of law, in which case the state's attorney for the county shall appear for the petitioners, and the proceedings on the part of the petitioners shall be conducted at the cost of the county, and the court may adjudge on the finding of the jury or otherwise, as may be just and in accordance with principles of law, and may give judgment for costs against the county or against the corporation, in its discretion.

Inquisition.

Confirmation by court.

Trial in court.

Quashing proceedings.

Judgment.

When right to charge tolls forfeited.

116. If the inquisition shall be finally confirmed, and the said road shall not be put in good order and repair within thirty days thereafter, the said court may order that the right of the corporation to charge tolls on any part of said road within the limits of said county be forfeited, until it shall be made to appear to said court by said corporation that the whole of said road within said county has been put in good order

and repair, when said order of forfeiture may be re-
cinded by the said court.

117. And if within six months after the date of an order of the court forfeiting the right of the corporation to charge tolls, the said road shall not have been put in good order and repair within the limits of the county in which said order may have been passed, the said road within said county shall be forfeited by the corporation, and shall vest in the county commissioners of the county, who may cause the same to be put and kept in good order and repair, and collect tolls sufficient for that purpose, or may transfer the same to another corporation, in their discretion, in which case the new corporation shall have the same rights and franchises, and be subject to the same conditions and forfeitures, with the original corporation constructing said road.

When road forfeited.

To vest in county commissioners.

Transfer to new corporation.

FOR THE ERECTION OF BRIDGES.

118. If any corporation formed under the provisions of this article shall desire to erect any bridge over any river, creek or stream of water in this state, or between this and another state, the said corporation shall first obtain the consent, in writing, of the county commissioners of the county in which said bridge may be proposed to be located: or if said bridge may be proposed to be erected over a stream dividing two counties, then it shall obtain the consent, in writing, of the county commissioners of both said counties, and the resolution of the said county commissioners giving said consent shall be recorded amongst the proceedings of said commissioners, and also in the journal or book of proceedings of said corporation.

Bridges, how to be erected.

Consent of county commissioners.

119. The corporation may agree with the owners, for the lands necessary for the abutments of the bridge, and for roads and ways thereto, and for earth or stone required in the construction of said bridge and of said ways; and the rights acquired by agreement shall be conveyed by deed, duly acknowledged and recorded.

Abutments, &c.

Power to condemn property.

In case of failure to agree, or of disability of the owners to contract, or of their absence from the state, the corporation may obtain the lands, earth and stone by condemnation.

Report to county commissioners.

120. When a bridge located in one county shall be completed, the president and directors of the corporation shall report in writing to the county commissioners of said county, under the oath or affirmation of the president and a majority of the directors, and of the treasurer of the company, the actual cost of construction of said bridge; and the county commissioners shall appoint three persons to examine the same, and report whether it has been constructed in such a substantial and durable manner as is required to promote the public convenience, and the report shall be reviewed, and ratified or rejected by the county commissioners, who may appoint other persons to report thereon, in their discretion; and if it shall be finally determined by the county commissioners, that the bridge is erected in a proper manner, they may authorize the corporation to charge such rates of toll as may be sufficient to yield a net dividend of eight per centum per annum to the stockholders or members of said corporation, making due allowance always for cost of necessary repairs and reconstruction from accident or otherwise.

Rates of toll.

Dividend.

Revision of toll rates.

Receipts and expenditures.

121. The corporation shall revise the rates of toll every six months for three years from the completion of the bridge, and shall report at each period to the county commissioners, the gross amounts of receipt and expenditure, and the rates of toll shall be so re-adjusted, if need be, as to yield not more than eight per centum net dividend; and at any time thereafter the corporation shall, on demand of the county commissioners, report the amounts of receipt and expenditure for any period demanded, and the tolls shall be re-adjusted so as to yield not more than said dividend. The rates of toll to be charged shall be specified in writing by the county commissioners.

Report to comptroller.

122. If the bridge be erected over a stream dividing two counties, or between this state and another

state, the corporation shall make the like report, hereinbefore provided to be made to the county commissioners, to the comptroller of the treasury, who shall lay the same before the governor, who shall issue his warrant specifying the rates of toll to be charged so as to yield eight per centum per annum net dividend, and like reports shall be made to the comptroller every six months, and at any subsequent times as are provided to be made hereinbefore to the county commissioners, and revisions and re-adjustments of toll shall be made by the governor, as are directed to be made by the county commissioners, in cases of bridges located in any one county.

Duty of governor.

123. The written authority or warrant of the county commissioners and of the governor, in the respective cases, shall be evidence of the right of the corporation to charge the tolls demanded, and said authority or warrant shall be printed and exposed to public inspection at every place where the payment of tolls may be demanded.

Right to charge tolls.

To be printed.

124. No bridge shall be erected on a navigable river, unless authorized by an act of the general assembly.

Bridge on navigable river.

125. Before the governor shall issue his warrant, authorizing the collection of tolls, he shall be satisfied, from the report of five commissioners, to be appointed by him, that the bridge has been erected and completed in a substantial and proper manner.

Report to governor.

126. When any citizen shall allege, in writing, to the circuit court of any county, that any bridge situate within or partly within said county or city is not kept in proper order and repair, the same proceedings may be had in said court as are hereinbefore provided in cases of turnpike or plank roads, alleged not to be in proper order and repair.

Neglect to repair bridges.

FOR CONSTRUCTING, OWNING OR OPERATING TELEGRAPH LINES.

127. Corporations for owning, constructing or operating, or of owning, leasing, constructing and operating a line or lines of telegraph through this state, or from

Telegraph companies, how incorporated.

or to any point or points within this state or upon the boundaries thereof, may be formed as hereinbefore provided.

Power to purchase, &c.

128. Such corporation may, with the consent of a majority of its stockholders, given in general meeting, become the purchaser, assignee or lessee of any property within this state, of any telegraph company or companies now existing, or which may hereafter be incorporated, or may be doing business within this state.

Power to construct telegraphic lines.

129. It may construct a line or lines of telegraph through this state, or from or to any point or points within this state or upon the boundaries thereof, and along and upon any postal roads and postal routes, roads, streets and highways, or across any of the bridges or waters within the limits of this state, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, without their being deemed a public nuisance or subject to be abated by any private party; *provided*, the same shall not be constructed as to incommode injuriously the public use of said postal roads or postal routes, roads, highways and bridges, or injuriously interrupt the navigation of said waters, or as to interfere with the convenience of any land owner more than is unavoidable, and that this section shall not be so construed as to authorize the construction of any bridge across any of the navigable waters of this state; but

Proviso.

Postal roads, &c.

Responsibility.

Damages.

Proviso.

the said corporation shall be responsible for any damages which any person or corporation may sustain by the erection, continuance and use of such fixtures, and in any action brought for the recovery thereof by the owner or possessor of any lands, the damages to be awarded may, at the election of such corporation, include the damages of allowing the said fixtures permanently to continue, on payment of which damages, the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit; *provided*, that no person or body politic shall be entitled to sue for or recover damages as aforesaid, until the said corporation, after due notice, shall have failed

or refuse to remove, in reasonable time, the fixtures complained of, or the president and directors of the said company may apply to a justice of the peace of the county or city where such lands are, who shall thereupon issue his warrant, directed to the sheriff of said county or city, commanding him to summon twelve disinterested persons, qualified to serve as jurors, to meet at the proper place, as directed by the said justice; and the sheriff shall qualify the said persons by oath or affirmation, faithfully to perform the duties required of them by the next succeeding section.

130. The said jury shall make a just and equitable appraisalment of all the loss or damage that may be sustained by any person or corporation, on or over whose lands or bridges said posts, piers or abutments are intended to be placed, and shall make a true return and inquisition thereof, in writing, under their hands and seals.

131. The sheriff shall make return of the inquisition so found to the clerk of the circuit court of the county, who shall file the same and lay it before the said court at its next session; and such inquisition shall be confirmed by said court, unless good cause be shown to the contrary, and when confirmed, shall be recorded by the clerk at the expense of the corporation; but if set aside, the said court may direct another inquisition to be taken in the manner above prescribed. The valuation of such loss or damage when paid or tendered to the owner or owners of the property, or his, her, or their legal representatives, shall entitle the said corporation to the easement thus valued, as fully as if it had been conveyed to the said corporation by the owner or owners of the same; and the valuation, if not received when tendered, may, at any time thereafter, be received from the company without costs, by the said owner or owners, or his, her or their legal representative or representatives.

132. Any such corporation formed as aforesaid, may, after its capital stock has been fully paid up, with the consent of the majority of the owners of the capital

Extending lines, &c.	stock of such corporation, given in general meeting, extend their lines of telegraph, or may construct branch lines to connect with their main line, or may form a new corporation by uniting with another incorporated telegraph corporation or corporations, with such name and capital stock, and upon such terms as may be agreed upon between the said corporations; and whenever such union as aforesaid is made, a certificate of the said union, and of the particulars thereof, shall be executed and acknowledged by the presidents, or other principal officers of said corporation so uniting, which said certificate shall be recorded in the clerk's office of the superior court of Baltimore city, if the principal office of the said consolidated corporations is therein located, or in the office of the clerk of the circuit court of that county in which said principal office is located, and when said consolidated company is formed, it shall be subject to the provisions of this article, so far as the same are applicable.
Consolidated companies.	
Certificate.	
To be recorded in office of clerk of court.	
Dispatches.	133. Any person, association or corporation, owning any telegraph line doing business within the state, shall receive despatches from and for other telegraph lines, associations and companies, and from and for any individual, and shall transmit such despatches in the manner established by the rules and regulations of such telegraph lines, and in the order in which they are received, with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, to be recovered, with costs of suit, in the name and for the benefit of the person or persons sending or desiring to send such despatch; <i>provided</i> , however, that arrangements may be made with the proprietors or publishers of newspapers for transmission of intelligence of general and public interest, for the purpose of publication out of its order.
18 Md. 342.	
Penalty.	
Proviso.	
Newspapers.	134. Any person who shall unlawfully and intentionally injure, molest or destroy any of said lines, posts, piers or abutments, or the materials or property connected with the working of any telegraph line, shall, on conviction thereof, be deemed guilty of a mis-
Injuring, &c., lines, posts, &c.	

demeanor, and be punished by a fine not exceeding five hundred dollars, or imprisonment in the county or city jail not exceeding one year, or both, at the discretion of the court before which the conviction shall be had. Penalty.

135. Any person connected with any such corporation in this state, either as clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents, or the nature of the contents of any private communication entrusted to him for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the jail in the county or city where such conviction shall be had for a term of not more than three months, or shall be fined not exceeding five hundred dollars, in the discretion of the court. Divulging contents of communications. Penalty.

136. If the wires or cords of any telegraph line be located or stretched, or extended from one post or pole to another in such manner as to prevent the owner of any timber growing along the line of such telegraph corporation from cutting and felling the same, and the owner thereof in cutting or felling such timber shall injure the wires, cords or posts of such telegraph line, he shall not be liable to an action for damages, unless it shall appear that in such cutting and felling, or in having the same cut or felled, the said owner wilfully and intentionally injured such wires, cords and posts. Injuring wires, posts, &c., by cutting timber near by. Action for damages.

FOR MANUFACTURING PURPOSES.

137. Any corporation formed under this article for manufacturing purposes, may change or extend its business to any other manufacturing business subject to the provisions and liabilities in this article prescribed with reference to such corporations; and whenever any such corporation shall desire to change or enlarge its business, it shall take such steps and proceed in all respects as is in sections seventy-two, seventy-three, seventy- Power to change or extend business.

Certificate.

four and seventy-five of this article, provided in reference to the increase or diminution of the capital stock of corporations; and if the assent of two-thirds of all the shares of stock in the said corporation shall be obtained to the said proposed change in the manner set forth in the said sections of this article, then upon the making out and recording in the manner therein directed of a certificate showing a compliance in all of the said provisions and preliminaries, and setting forth the business to which the business of said corporation has been changed or enlarged, then the business which said corporation may carry on thenceforth shall be that to which it has been thus changed or enlarged; and the company shall be entitled to all the privileges and provisions and be subject to all the liabilities of this article.

FOR MINING AND OTHER PURPOSES.

Land and capital stock.

138. No corporation formed under this article for any of the purposes mentioned in classes 7, 8, 9 and 10, as hereinbefore designated, shall hold more than five hundred acres of land at any one time; nor shall its capital stock exceed three million dollars, and the presence in person or by proxy of a majority in interest of the stockholders, shall be necessary to form a quorum for business at any meeting of the stockholders or members.

Railroads.

139. The president and director of any corporation mentioned in the last preceding section, shall be invested with full power to locate and construct a railroad or railroads, with necessary appurtenances, beginning the same at or near the mines, manufactories or works of the said corporation, and running to any convenient point or points that may best suit the convenience and interest of said corporation, and to use and control the said railroad or railroads, and the necessary vehicles and appurtenances thereunto belonging.

Lands of Ches. & O. Can. Co. & Balt. & O. R. R. Co.

140. It shall not be lawful for any corporation formed under this article, to occupy any portion of

the lands that may be necessary for the accommodation of the works of the Chesapeake and Ohio canal company, or the main route of the Baltimore and Ohio railroad, or the works of any other railroad chartered by this state, except to cross said roads without injury to the same. Other railroads.

141. The legislature may at any time regulate, modify, or change the control, use and estate of any railroad constructed by such corporation, in such manner as it may deem equitable towards the said corporation, and necessary to the accommodation of the public travel, or use of the said railroad or railroads. Reservation by Legislature as to railroads.

142. No railroad constructed by such corporation, shall pass through the limits of any incorporated city or town without the consent of the corporated authorities thereof, nor through any dwelling house, warehouse, stable, yard, garden or orchard, without the written consent of the owners of the same. Railroad through city or town, &c.

143. The president and directors of any such corporation, or a majority of them, or any person authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, stone or other materials which may be wanted for the construction or repair of said railroad or railroads, for the purchase, or for the use and occupation of the same, or may obtain such land, earth or stone by condemnation. Power to condemn property.

144. The citizens of this state, or any corporation now or hereafter to be incorporated under the authority of this article, shall have the right to connect with the railroad or railroads hereby provided for, any other railroad, if, in the judgment of any three of the county commissioners of the county for the time being, passed upon hearing of all parties interested, no injury would be done by such connection to the railroad of said corporation. Connected roads.

145. Any corporation authorized by section one hundred and forty of this article, to construct the railroad therein mentioned, may charge any citizen or corporation connecting with its said railroad, when using their own cars, a rate not exceeding two cents per ton per mile, on all coal or other articles that may be trans- Rates.

ported on the railroads of such corporation from any point on said road to the Chesapeake and Ohio canal, or to the Baltimore and Ohio railroad, or other lines of canals and railroads; *provided*, that the said corporation shall return the empty cars of such citizen or corporation to the point whence they started, free of charge.

Cars. 146. No cars shall be placed on any railroad of any corporation as aforesaid, unless they be adapted in size, and all necessary particulars, to said railroad, in accordance with the regulations of the said corporation, which shall always provide the necessary motive power for running said cars, and the said cars shall be in the exclusive care and charge of said corporation whilst on its railroad.

Length of mining railroads. 147. No railroad built by any mining or other corporation formed under this article shall be more than ten miles in length.

Transportation. 148. Every railroad constructed under the provisions of this article shall provide all necessary means of, and transport all persons and property that may be offered for, transportation on its said railroad, and in all cases other than those provided for in section one hundred and forty-five of this article, or in all cases in which the said corporation furnishes the said cars and motive power, and is subject to all the expenses of transportation, it shall be authorized to charge rates not exceeding two and a half cents per ton per mile on all coal or other articles, and two cents per mile for every passenger that may be transported on said road.

Rates. 149. Any railroad that may hereafter be constructed or purchased by any corporation formed under this article, shall be so located or used as to occupy as little space at the passage through the gap at Will's Mountain, near Cumberland, as may be compatible with the full and convenient use of said railroad, and in such manner as to produce as little obstruction as may be to the location of other railroads through said gap by any corporation now authorized, or that may hereafter be authorized to construct the same under the authority of this article.

Will's Mountain.

150. All questions of difference that may arise between any two corporations incorporated under this article, or between any corporation and a citizen in regard to locating, constructing or working its railroad or railroads, or in respect to the charges of transportation thereon, may be submitted to, and decided by the board of public works, and the decision of the said board shall be final in all cases submitted to them.

Disputes to be decided by board of public works.

151. Nothing contained in this article shall be construed to interfere with any lien law now in force or that may hereafter be enacted.

Lien law.

SAVING INSTITUTIONS.

152. Any saving institution incorporated under this article shall be capable of receiving from any person or persons, or bodies corporate or politic, any deposit of money which shall be invested or loaned out on good security in the discretion of the directors; *provided*, no part of the funds of said corporation shall be loaned to any officer or director of such corporation.

Deposits.

Proviso.

153. It shall be the duty of the directors of such corporation to appoint at least once in every twelve months, five competent members of said corporation as a committee of examination, whose duty it shall be to investigate the affairs of said corporation, and to make and publish a report of such investigations in one or more newspapers published in the county or city in which such institution is situate; and it shall be the duty of the directors, at least once in every six months in each and every year, to make and declare such dividends of the interest and profits of said institution, as will not impair the deposits thereof, or otherwise injure or effect the interest or credit of said institution, and the same to pay over unto the depositors or their legal representatives within ten days thereafter, if called upon so to do.

Committee of examination.

Report to be published.

Dividends.

154. The concerns of any institution under this article, shall at all times be subject to the inspection of

Inspection by state treasurer.

the treasurer of Maryland, or of such other officer or agent of the state of Maryland as may be appointed or selected for that purpose by either branch of the legislature.

Capital stock. 155. The capital stock of any such corporation shall not exceed one million of dollars.

RELIGIOUS CORPORATIONS.

Church trustees. 156. In every church, religious society or congregation of whatever sect, order or denomination, or which shall at any time hereafter be known and acknowledged in the state, and protected in the free and full exercise of its religion by the constitution and laws thereof, there shall be sufficient power and authority in all persons above twenty-one years of age, belonging to any such church, society or congregation, to elect at their discretion, certain sober and discreet persons, not less than four, nor more than twelve, which persons so elected, upon being registered, as hereinafter directed, shall be constituted a body politic or corporate to act as trustees in the name and behalf of the particular church, society or congregation for which they are respectively chosen and to manage the estate, property, interest and inheritance of the same.

Power of trustees. 157. The trustees so elected shall have perpetual succession by their name of incorporation, and shall be capable in law to purchase, take and hold to them and their successors in fee, or for a less estate, any lands, tenements or hereditaments, rents or annuities, goods or chattels within this state, by the gift, bargain, sale or devise of any person, body politic or corporate, capable of making the same, and to use or lease, mortgage or sell and convey the same in such manner as they may judge most conducive to the interest of their respective churches, societies or congregations; *provided*, that nothing herein shall authorize any sale, mortgage or other disposition of any property held by such corporation under any instrument prohibiting

Proviso.
Sale, &c., of property.

such sale; and *provided*, the clear yearly income from Yearly income. the estate of any church, society or congregation, exclusive of the rents of pews, collections in churches, funeral charges and the like, shall not exceed the yearly sum of twenty thousand dollars.

158. Every such body politic shall be chosen and Succession. the succession kept up at such times and places as are ordinarily used for public meetings of the said church, society or congregation, and by such persons as are allowed to have a voice in the management and direction of congregational or temporal concerns, according to the known custom and usage of their respective denominations; or the said body politic or corporate shall be chosen, and the succession kept up, according to the rules, regulations and practice that may have been heretofore adopted and agreed upon, or that shall be, at the first time of electing agreed upon and adopted by any particular church, society or congregation for directing or managing their congregational or temporal affairs.

160. The minister for the time being, or senior minister, where there are more than one settled in any church, society or congregation, shall always, in virtue of his ministry, be a member of the body politic or corporate belonging to the same, exclusive of the number heretofore prescribed. Minister to be a member of the body politic.

161. If any contest shall arise in any church, society or congregation, about the right of voting, or whether the election has been fairly conducted, agreeably to the true intent and meaning of this article, the parties contending shall each of ~~them~~ choose one discreet and reputable person from among ~~the~~ the members or trustees of some neighboring congregation or society of the same religious persuasion, if any such there be, and if none such, then of any other religious society, which two persons shall choose a third, qualified in like manner, and the said three persons shall meet at the place where the difference has arisen, and hear and determine upon the matter, and their judgment or award, or Award. Plan or agreement. the judgment or award of a majority of them, certified

under their hands and seals to the contending parties shall be final.

Qualifications. 162. At the first election or appointment of every body, politic or corporate aforesaid, every church, society or corporation assembled as already directed, shall determine on their plan, agreement or regulation, specifying distinctly the time and manner of electing trustees, and the manner in which the succession shall be perpetuated, and containing an exact description of the qualifications of the persons severally electing and elected, and to elect and to be elected thereafter, and also the name, style or title of the corporation by which it shall thereafter be known, and the name of the church, society or congregation choosing the same.

Name of corporation. **Record book.** 163. The said plan, agreement or regulation shall be entered in the book hereinafter directed to be kept by every such corporation, and the same shall be acknowledged by the trustees, or a majority of them, before, and certified by two justices of the peace of the county or city in which the said church, congregation or society, or the greatest number of the members shall reside, or the same may be acknowledged before, and certified by a judge of the circuit court, or of the supreme bench of Baltimore city.

To be acknowledged. 164. The plan or agreement so acknowledged and certified shall be filed by the said trustees with the clerk of the circuit court of the county where the said church, society or congregation, or the greater part of the members reside, or the clerk of the superior court of Baltimore city, if they or the greater part of the members reside in the city of Baltimore, within six months after such acknowledgment shall be made, and the same shall be recorded at the expense of the corporation, in a book to be kept for that especial purpose.

Plan or agreement to be recorded in office of clerk of court. 165. If any change shall be made in the original plan by authority of the congregation, such change shall in the same manner be acknowledged and recorded.

Amendment of plan. 166. Every such corporation may appoint the times and places of the meeting of its members, and the

Meetings of members.

number necessary to constitute a quorum, and shall provide and keep a good and sufficient record book, Record book. and cause therein to be registered all its proceedings, subject at all times to the inspection of the several members of the church, society or congregation; and the same shall be laid before a public meeting when required by any five or more of the members; and the said trustees, or a majority of them, shall have full power to frame such rules and ordinances for conducting their concerns as may be necessary and convenient Rules and regulations. for accomplishing the end of their institution.

167. When any number of persons belonging to any church or congregation, sufficient to build a church or house of worship, and to maintain a minister shall choose to separate from the church or congregation of which they have hitherto been a part, and to erect a house of worship, and employ a minister for themselves, it shall be lawful for them to do so; and they shall by their respective name or style be entitled to all the benefits of this article relating to their incorporation; *provided*, only, that all arrearages, debts and engagements contracted, due or becoming due, while members of the former society, shall be discharged. Secession of part of congregation, &c. Proviso. Dues and debts.

168. The person or persons holding lands or goods and chattels in trust, for any particular church or society, shall convey the same to the corporation of such particular church or society, as soon as the same shall be formed under this article. Trustee to convey to corporation.

169. Nothing in this article shall prevent the Protestant Episcopal church from incorporating the vestries in the several parishes, according to the usages of the said church. Protestant Episcopal Church.

CONDEMNATION OF PROPERTY BY CORPORATIONS.

170. If any corporation incorporated under the laws of this state which shall be authorized to acquire by condemnation, any land, earth or stone, or any interest therein, cannot agree with the owner or owners thereof, or if any of such owners be a *feme sole*, and without Power to condemn property.

Application to
Judge.

Warrant to
sheriff.

Jury.

Inquest of dam-
ages.

Juror's oath.

power to contract in that regard, under age, *non compos mentis*, or under any other legal disabilities, to contract or be out of the county in which the property wanted may lie at the time the same is wanted, then in all such cases application may be made by any such corporation to any judge of the circuit court of the county in which said lands or other materials may lie, or to any judge of the supreme bench of Baltimore city, if the said land or materials lie in the city of Baltimore, and thereupon the said judge, upon its being made to appear satisfactorily to him that said land or materials are necessary and proper to be condemned for the use of such corporation, shall issue his warrant, directed to the sheriff of said county or city as the case may be, requiring him to summon a jury of twenty inhabitants of said county or city, as the case may be, not related to said owner, or in anywise interested in said land, and not stockholders in said corporation, to meet on the lands or near the other property or materials to be valued and condemned, on a day named in said warrant, not less than ten nor more than twenty days after issuing the same.

171. If at said time and place any jurors summoned do not attend, the sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to make twenty jurors, and from them each party, or its, his or their agent, or if either party be not present in person or by agent, the sheriff, for him, her, it or them, may strike off four jurors, and from those remaining on the list the sheriff shall select twelve to act as the jury of inquest of damages.

172. The sheriff shall, before they proceed to act as such, administer to each of said jury, an oath that he will justly and impartially value the damages which the owner will sustain by reason of the occupation of the said land or materials required by the occupation, and find whether or no the condemnation of such land or materials are necessary and proper for the use of such corporation, for the due exercise and enjoyment of its corporate privileges.

173. The jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the said sheriff to the clerk of the circuit court of his county, or the clerk of the superior court of Baltimore city, as the case may be; and if no sufficient cause to the contrary be shown, the said inquisition shall thereupon be confirmed by the said court, at such time and after such notice as shall be fixed by its rules, and when confirmed shall be recorded by said clerk at the expense of said corporation; but if set aside, or if the jury shall fail to agree, the said court may direct another inquisition to be taken in the manner above prescribed, and like proceedings may be had until an inquisition in reference to said condemnation shall be confirmed.

Inquisition.

Confirmation
by court.

174. Every such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of interest in the same valued for the corporation, and such valuation, when paid or tendered to the owner of said property, or his legal representative, after confirmation thereof, or when the same shall be paid into court under such regulations as the court by which the said inquisition shall have been confirmed shall prescribe, shall entitle the said company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner of the same, and the valuation, if not received when tendered, may at any time hereafter be received from said corporation without costs, by the said owner or his legal representatives, and all fees or *per diem* to which any sheriff, clerk, juror, or other officer, shall be entitled, for any service required of him under the aforesaid proceedings for condemnation, shall be paid by the corporation causing the same to be instituted.

Description
of property.

Valuation.

Costs.

175. Nothing herein contained shall authorize any incorporated company to take or use private property without just compensation, as agreed upon with the owner, or awarded by a jury, having been first paid or tendered to the parties entitled thereto, or paid into a court, after inquisition confirmed, as provided for in the

Compensation
for private
property.

Road on private property.

next preceding section; and nothing herein contained shall authorize the location of any road on private property without consent of the owners or the decision of the county commissioners upon due hearing as now prescribed by law for opening or altering public roads.

PROCEEDINGS FOR PREVENTING AND CORRECTING ABUSES OF THE POWER OF CORPORATIONS, AND FOR THE FORFEITURE OF THEIR CHARTERS.

Legal proceedings against corporations.

176. Whenever the attorney general of the state, or the state's attorney for the city of Baltimore, or for any county in this state, shall be authorized by the governor to institute proceedings against any corporation incorporated under the laws of this state to ascertain whether such corporation has been guilty of such misuse, abuse or nonuser of its corporate powers and franchises as by law would authorize and make proper the forfeiture of its charter, corporate powers and franchises, the attorney general or state's attorney, so authorized, shall file in the court hereafter designated, a petition in the name of the state, setting forth fully and in detail, the alleged abuse, misuse or nonuser, by reason whereof the said forfeiture is sought, and upon the filing of such petition, the court in which it is filed, or any judge thereof, shall lay a rule requiring the said corporation to show cause, within such time as the judge may deem proper, why a decree of forfeiture should not issue as prayed in said petition, a copy of which rule and of the petition shall be served on the said corporation by a day to be therein limited, which shall be served as other process against such corporations is directed to be served.

Petition.

Rule to show cause.

Answer by corporation.

177. The said corporation, by the day named in said order, unless further time be granted by the court, shall file an answer to such petition, fully setting forth all the defenses upon which it intends to rely on resisting such application, which shall be verified by the affirmation or affidavit of some officer of the said corporation.

178. The petitioners may thereupon plead to or traverse all or any of the material averments set forth in the said answer, and the said defendant shall take issue or demur to said plea or traverse within five days thereafter.

179. If issue or issues be joined on such proceedings, the same shall stand for trial at such time as the court shall direct, and the said issue or issues shall be tried by a jury if either party desire it; otherwise they shall be heard and determined by the court. If, from the findings of the jury or upon consideration and determination of the case by the court, the court shall be of opinion that legal cause of forfeiture has been shown, and the public interests require that the said forfeiture should be declared, a decree of forfeiture shall be entered, and the charter of said corporation shall thereby be annulled and vacated, and all its corporate franchises and powers shall cease and henceforth be void, and the court shall thereupon appoint a receiver or receivers of the estate and assets of the said corporation, in the same manner and with like powers as is provided in sections one hundred and eighty-nine and one hundred and ninety of this article, in reference to dissolution of corporations on bill filed therefor on their own motion.

180. If any corporation upon whom the aforesaid petition and rule to show cause has been served, shall neglect to file an answer to the petition at the time appointed by the said court, the court shall thereupon proceed to hear the said application *ex parte*, within five days thereafter, and if it shall be of opinion that good cause of forfeiture is shown, it shall proceed forthwith to decree the same as is hereinbefore provided in the preceding section of this article.

181. If the court, either upon a hearing *ex parte*, as hereinbefore provided, or upon a hearing after answer, as provided in section one hundred and seventy-nine, shall be of opinion that no cause of forfeiture has been shown, or that the public interest do not demand that such forfeiture should be decreed, even though legal

Pleadings.

Joinder of
issue and trial.Forfeiture of
charter.

Receivers,

Neglect to file
answer.Hearing
ex parte.Dismissal of
petition.

Costs. cause therefor has been shown, it shall dismiss the petition and award costs in favor of the corporation proceeded against, in its discretion; and if the court shall determine that legal cause of forfeiture has been shown, it may, in its discretion, before passing a final decree of forfeiture, pass orders requiring the said corporation within a time to be thereby fixed, to remedy the grievance complained of, and may suspend the passage of the final decree of forfeiture until the time so fixed, and may afterwards refuse to pass such decree if the grievance shall have been remedied by the time so fixed.

Orders.

Final decree.

Petition for forfeiture, where filed.

182. The petition for forfeiture, hereinbefore mentioned, shall be filed in the circuit court for the county in which the certificate of incorporation of said corporation was filed, if said corporation shall have been incorporated under the laws requiring the filing of such certificate, and in the case of all other corporations such petition shall be filed in the county in which either the principal office of said corporation was last located, or in which the principal business of said corporation was last carried on; but if the corporation to be proceeded against has filed the certificate of incorporation in Baltimore city, or if not incorporated under the laws requiring such certificate to be filed, the said corporation had its principal office last in said city, or had there last carried on its principal business, then and in such cases the said petition shall be filed in the superior court of Baltimore city.

Appeal to court of appeals.

183. From any judgment or determination of the court had on petitions filed for forfeiture under this article, either party may appeal to the court of appeals, subject to such regulations and provisions relating to the taking and prosecution of said appeals as shall be prescribed by the said court of appeals.

Power of governor.

184. The governor of this state shall have power, upon application in writing made to him by any citizen thereof, in the exercise of his own discretion, to direct the attorney general, or state's attorney for any county in this state, or for the city of Baltimore, to file a bill in the circuit court of Baltimore city, or in the

circuit court of any county, in the name of the state, against any corporation incorporated under the laws of this state, for the purpose of restraining, by injunction, any such corporation from assuming or exercising any franchise, liberty or privilege, or transacting any business not allowed by the charter, certificate or amended certificate of incorporation of said corporation, or not by law allowed to be assumed or exercised by said corporation, and in the same manner, and by like authority, a bill may be filed to restrain any individual from exercising any corporate rights, privileges or franchises, not granted to them by any law of this state; and such bill, when filed against a corporation, shall be filed in the circuit court of Baltimore city, if the principal office or place of its business operations of said corporation shall be located therein, or in the circuit court of the county in which the principal office or place of its business operations of said corporation shall be located; and if the said bill is filed against any individual, it shall be filed in the city or county in which some one of the individuals sought to be restrained may reside; and upon the filing of any such bill, the court in which it shall be filed shall have power to issue the injunction either before or after hearing, and under and on such terms as it may prescribe, and generally shall have and exercise all the powers of a court of equity over the subject matter of said bill, and all provisions of the laws of this state relating to the granting, continuing or dissolving of injunctions in other cases, and providing for appeals to the court of appeals, which may be applicable, shall apply to proceedings had under this section.

Injunction.

Bill to restrain.

Where filed.

Power of court.

DISSOLUTION OF CORPORATIONS.

185. Whenever any corporation in this state shall have been determined by legal proceedings to be insolvent, it shall be deemed to have surrendered its corporate rights, privileges and franchises, and may be adjudged to be dissolved, after a hearing according to the

Insolvent corporations, how proceeded against.

practice of courts of equity in this state, upon a bill filed for that purpose in the circuit court of Baltimore city, if the principal office of said corporation is located therein, or in the circuit court of any county, if the principal office or place of business of said corporation be therein located, or if the certificate of its incorporation be recorded therein, and such bill may be filed by any stockholder, shareholder or creditor of said corporation, or by the attorney general of the state of Maryland, or by the state's attorney of the city or county in which the principal office of said corporation is located.

Not to apply to railroad company chartered by state.

But this section shall not apply to any railroad company chartered by this state.

Proceedings.

186. Whenever the directors, trustees, or managers of any corporation, or a majority of them, shall, for any reason, deem it beneficial for the interest of the stockholders or others interested in said corporation, that the same should be dissolved, they shall call a general meeting of the stockholders, shareholders or members of the corporation at such time and place, and after such notice as the by-laws of said company shall prescribe for that purpose, and if at such general meeting a majority in interest of all the stockholders in any corporation having a capital stock, or a majority of the shareholders or members in any other class of corporations, shall, by their votes, declare their wish that said corporation shall be dissolved, a bill for its dissolution shall forthwith be filed in the name of said corporation and on its behalf in the circuit court of Baltimore city, if its principal office or place of business is in said city, or in the circuit court of the county in which its principal office or place of business may be situate.

Bill for dissolution.

What bill to contain.

187. Every such bill shall contain a statement of the reasons why the dissolution of the said corporation is prayed for and sought, and there shall also be filed with it:

Inventory of assets.

First. A full and true inventory of all the assets of such corporation, and of all the books, securities and vouchers relating thereto.

Second. A true account of the capital stock of such corporation, and a list of all the stockholders, their residences, and the number of shares belonging to each, the amount paid on each of said shares, and the amount still due.

Capital stock
and list of
stockholders,
&c.

Third. A statement of all the incumbrances on the property of the corporation, and a full list of all its creditors and their respective residences, and the amount due to each. All of the said statements shall be verified by the oath or affirmation of either the president, treasurer, secretary, or some other chief officer, or of some stockholder of the said corporation.

Incumbrances
and creditors.

Statements to
be under oath.

188. Upon the filing of said bill accompanied by the aforesaid papers, the court shall pass an order requiring all persons interested in such corporations to show cause, if any they have, why such corporation should not be dissolved, on or before a certain day to be named in said order, which order shall be published for such time as the court shall direct, in some newspaper published in the county, or city of Baltimore, as the case may be, in which such court is held; and upon any answer being filed to the said bill by any creditors or stockholders of such corporation, the court may authorize evidence to be taken, on application of the complainants or defendants, in the manner usual in courts of equity.

Court to pass
order to show
cause.

To be pub-
lished.

Answer.

Evidence.

189. If the court shall upon consideration of the bill, or of the bill, answers and proof, if any answers have been filed or proof taken, be of opinion that the corporation is insolvent, or that for any reason a dissolution of the said corporation will be beneficial to the stockholders, and not injurious to the public interests, a decree shall be entered dissolving the said corporation, and appointing one or more receivers of estate and effects, and such corporation shall thereupon be dissolved; any of the directors, trustees, managers or other officers, or any of the stockholders of any corporation, may be appointed its receivers, or such other person or persons as the courts may select.

Decree to dis-
solve.

Receivers.

Powers and
duties of
receivers.

190. Where receivers of the estate or effects of any corporation shall be appointed by a court, upon or before the dissolution of any corporation, they shall be vested with all the estate and assets of every kind belonging to such corporation from the time of their qualifying as receivers, and shall be trustees thereof for the benefit of the creditors of such corporation and its stockholders; and they shall proceed to wind up the affairs of such corporation, under the direction of the court by which they shall have been appointed, and shall have all powers which shall be necessary for that purpose.

What sales, &c.,
void.

191. All sales, assignments, transfers, mortgages, or other dispositions or conveyances of any part of the assets of the corporation, made after the filing of a bill for a dissolution thereof, under the provisions of this article, and all judgments confessed by said corporation, after that time shall be absolutely void as against the said receivers.

Liability of
stockholders.

192. No dissolution of any corporation shall relieve its stockholders from the obligations and liabilities imposed on them by the fifty-ninth section of this article, and if the said corporation shall be dissolved before its capital stock shall have been paid in, the liability of its stockholders shall continue to the receivers or to the creditors of the corporation who were such prior to its dissolution, in all respects, as if the same had not been dissolved.

Trustees for
creditors and
stockholders.

193. Upon the dissolution, in any manner not otherwise provided for, of any corporation created or to be created under the laws of this state, and unless other persons shall be appointed by some court of competent authority, the directors or managers of the affairs of the corporation at the time of its dissolution, by whatever name they may be known in law, shall be the trustees of the creditors and stockholders of the corporation dissolved, and shall have full power to settle the affairs of the corporation, and to pay its debts, and shall divide among the stockholders the moneys and other property that shall remain after the payment of the debts and

Their powers.

necessary expenses, and the said trustees shall be jointly and severally responsible to the creditors and stockholders of such corporation, to the extent of its property and effects that shall come into their hands.

194. The dissolution of a corporation by the decree of a competent court, shall not abate any suit or proceeding in favor of such corporation which shall have been pending at the time of such dissolution; but all such suits or proceedings may be continued by the receivers, who shall have been appointed for such corporation, or by the trustees on whom the estate and effects of such corporation shall have devolved, in the name of such corporation, or in the names of such receivers or trustees, who may, in the discretion and under the direction of the court in which the suit shall be pending, be substituted as plaintiffs, subject to such order as the court may deem expedient in relation to the payment or security of costs.

Depending
suits.

195. Whenever a receiver of the property or effects of a corporation shall be appointed before the dissolution or afterwards, new suits may be brought and carried on by any such receivers, either in their own names and capacities as such receivers, or in the name of the corporation for which they shall have been appointed; but no new suit shall be brought in the name of a corporation after it shall have been dissolved, or after the expiration of its charter.

Suits by
receivers.

196. No suit commenced in the name of any such receiver shall be abated by his removal or death; but the same may be continued in the name of his successor or of the corporation, if its charter has not expired or been dissolved, as may be directed by the court in which the suit shall be pending.

Abatement
of suits.

197. The court in which any suit or proceeding against a corporation, which shall have been dissolved by the expiration of its charter, or otherwise, shall be pending at the time of such dissolution, shall have power, on the application of either party thereto, to make an order for the continuance of such suit or pro-

Continuance
of suits.

Final judgment.

ceeding, and the same may thereafter be continued until final judgment or decree shall be had therein, which shall have the like effect upon the rights of the parties as if such corporation had not been dissolved.

PROCEEDINGS ON EXECUTION AGAINST THE STOCK AND TRANSFERABLE DEBTS OF CORPORATIONS.

What liable to execution or attachment.

198. Any interest which any defendant in a judgment or decree rendered by a court of law or equity, has in the capital, joint stock, or debts of a corporation, transferable on its books, shall be liable to execution or attachment, and the same proceedings shall be had as in other cases except when they are varied by the following sections.

Duty of sheriff.

Notice to president, &c., of seizure.

199. The sheriff or other officer, upon being instructed to levy such writ on any such stock or debt, shall deliver to the president or chief officer, or leave at the place of business of such corporation, a notice in writing, stating that he has seized the stock or debt of the defendant, (naming him) and the purpose for which he has seized the same, and shall retain a copy of such notice, and return it with the writ.

Certificate of number of shares, &c.

200. Upon the service of such notice, the sheriff may require the president, or any other officer of the corporation, to certify to him in writing the number of shares of stock, and the amount of transferable debt on its books, standing in the name of the defendant at the time of said notice; and if any president or other officer, so required, shall refuse or neglect for twenty-four hours to deliver such certificate, the sheriff or other officer shall certify the fact to the court, to which the writ is returnable, or to any judge thereof, and the said court or judge may order an attachment of contempt against such president or other officer, and may compel him to answer upon oath an oral examination as to the number of shares of stock, and amount of debt standing on the books of the corporation, in the name of the defendant, at the time of service of such

Attachment for contempt against president, &c., of company.

notice, and may compel the production of the books of Books.
 said corporation, and also fine the president or other
 officer for not giving the required certificate.

201. When the sheriff has ascertained the number Schedule of
 of shares of stock, and amount of such debt standing shares or debt.
 in the name of the defendant, he shall make a schedule
 of such shares or debt, or so much thereof as will be
 amply sufficient to secure the sum of money he is re-
 quired to levy, and costs, and shall give notice to the Notice to cor-
 corporation that the stock or debt not included in his poration.
 schedule is released.

202. If the levy be made under a *feri facias*, the Advertisement
 sheriff shall advertise and sell the stock or debt as if and sale.
 the same were real estate.

203. If any corporation or its officers, after service Transfer after
 of notice of seizure as aforesaid, shall transfer or per- seizure.
 mit to be transferred, any shares of stock or any debt
 standing at the time of service in the name of the de-
 fendant, unless the same is released, as hereinafter pro-
 vided, such corporation shall pay to the plaintiff in
 the writ under which such notice was given, the full
 market value of the stock or debt so transferred, to be
 recovered by suit.

204. If the proceedings under such writ be ended Discontinu-
 by countermand, payment or any other cause before a ance of pro-
 sale, the stock seized thereunder shall be released, and ceedings.
 the sheriff shall give notice thereof in writing to the
 corporation.

205. If the sheriff shall make sale of any shares of Sale by sheriff
 stock or transferable debt, whether he continues in and transfer to
 office or not, or whether he has returned the writ purchaser.
 under which the sale was made or not, he shall trans-
 fer the said stock or debt so sold on the books of the
 corporation to the purchaser; or if the sheriff making
 such sale shall die or remove from the county without
 making such transfer, the court to which the writ was
 returnable may appoint a person to make the same.

206. If any corporation or any of its officers shall Punishment of
 refuse to permit any transfer authorized to be made by recusant corpo-
 the preceding section, the court to which the writ by ration officers.

virtue of which such stock or debt was sold, was returnable, or any judge thereof in vacation, may punish by process of contempt all persons so refusing to permit such transfer, and may also cause the proper book of such corporation to be brought before such court or judge, and the transfer to be made, and the corporation shall be liable for all damages sustained by reason of a refusal to permit such transfer.

Refusal by purchaser to accept transfer.

Action against sheriff or corporation.

Fee for transfer.

207. The purchaser may refuse to accept the transfer of any stock or transferable debt, unless it be made within thirty days after the sale, and may bring an action on the case against the sheriff, officers, or corporation, by whose default the said transfer was delayed or omitted, and may recover the value of the stock or debt at the time the transfer should have been made, or at any time afterwards, before the rendering of the verdict in his said suit.

208. Any person whom the court may appoint to make any transfer, shall be entitled to the sum of one dollar, to be paid by the purchaser, and recovered by him from the person who ought to have made the transfer.

PROCESS.

Liability of foreign corporations.

Service of process.

Suits, where brought.

209. Any corporation not chartered by the laws of this state, which shall transact business therein, shall be deemed to hold and exercise franchises within this state, and shall be liable to suit in any of the courts of this state, on any dealings or transactions therein.

210. Process issued by any court or justice of the peace of this state against any corporation incorporated under its laws, may be served on any president, director, manager or other officer of such corporation, and all suits which shall hereafter be brought against any corporation which has been or may be incorporated under the general incorporation laws of this state, shall be brought in the county or city of Baltimore, as the case may be, in which the certificate of incorporation is required to be and has been recorded.

211. Suits may be brought in any court of this state, or before a justice of the peace, against any corporation not incorporated under its laws, but deemed to hold and exercise franchises herein, or against any joint stock company or association doing business in this state by a resident of this state, for any cause of action; and by a plaintiff, not a resident of this state, when the cause of action has arisen, or the subject of the action shall be situate in this state; and process in such suits may be served as provided in the next preceding section, and also upon any agent of such corporation or joint stock company or association; and in case of service of process on an agent, notice of such process shall be left at the principal office of said corporation, joint stock company or association, if there be such office in this state; *provided* nothing in this article shall prevent or affect the issue of attachments against corporations as now or hereafter allowed by law.

Suits in court or before justices.

Service of process.

Notice.

Proviso.

Attachments.

212. If any corporations or joint stock companies embraced in the next preceding section after any liability shall occur within this state, or after any contract shall have been made by it with any resident of this state, shall cease to have any agent in this state, and no president, director or manager of such corporation, or joint stock company or association, can be found in this state, then in such case service of any writ or process issuing from the courts of this state, on the person who was last the agent of such corporation or joint stock company in this state, shall be deemed sufficient service, if a copy of such process be served on the president or manager, or two directors of such corporation or joint stock company, wherever they may be found, and an affidavit of such service be made before any person authorized by the laws of this state to take the acknowledgments of deeds.

Service on agents.

Service of copy of process on president, &c.

Affidavit.

213. If any corporation whatever, upon which process has been served as hereinbefore prescribed, shall fail to appear during the term, or rule day for the return of process, to which such process shall be re-

Judgment by default.

turned, or by the second day of the succeeding term or rule day for the return of process, judgment by default shall be entered against such corporation, and the amount of the claim of the plaintiff shall be ascertained by a jury of inquiry or otherwise, as in other cases of judgment by default.

Jury of inquiry,
&c.

Bill against
debtors of
corporations.

214. When a judgment has been recovered against a corporation, and an execution on such judgment returned *nulla bona*, the person or body corporate entitled to such judgment may file a bill in equity against all or any persons who may be, in any manner, indebted to said corporation, either for the stock thereof or on any other account; and if the court shall find such person or persons to be indebted to said corporation a decree shall pass directing such person so found to be indebted to bring the money into court, to be distributed rateably among the creditors of such corporation, in the same manner that distribution is made on a creditor's bill; and any of the defendants to said bill may pray a trial at law of any issue of fact in said case, which issue shall be sent to a court of law for trial, and the complainant may require, by said bill or by another bill, the officers of such corporation to discover, under oath, who are indebted to said corporation, and the amount and consideration of such indebtedness, and for the purpose of such discovery, all or any of the officers of said corporation may be made defendants and any of the parties in said causes shall be entitled to an appeal, as allowed in cases of equity; and the said bill may be filed in the circuit court of any county in which any of the directors of such corporation reside, or in the county in which said corporation last had its principal office or place of business, or in the circuit court of Baltimore city, if any of said directors there reside, or if said corporation last had in said city its principal office or place of business.

Decree.

Trial at law.

Bill of discovery.

Appeal.

Bill, where
filed.

Sufficient
description.

215. It shall be sufficient in any suit, pleading or process, either at law or in equity, or before any justice of the peace, by or against any joint stock company or

association, to describe the said joint stock company or association by the name or title by which it is commonly known, or by or under which its business is transacted.

216. All corporations heretofore formed under the general laws of this state, relating to corporations, or under any special law, are hereby declared to be entitled to the benefit of and to be subject to all the regulations in this article contained for the government of the corporation herein referred to, so far as the same be applicable to said several corporations heretofore formed as aforesaid; and shall also have the benefit and be subject to the processes, remedies or proceedings, by this article authorized to be taken by or against the corporations herein referred to, so far as the same be applicable to the several corporations heretofore formed as aforesaid.

How far this article applicable to all corporations.

CO-OPERATIVE STORES, &C.

217. No railroad or mining company, formed or organized under any of the provisions of this state, or which have organized under any existing laws, charter or act of the general assembly of this state, shall own, conduct or carry on any store, or have any interest in any store, or receive any portion of the profits thereof; nothing herein contained, however, shall prevent the employees of any corporation from forming co-operative stores.

Stores connected with railroad or mining companies.

218. Any railroad company incorporated under the laws of this state, may own and operate any line of steamships or steamboats, or may subscribe to or hold the stock of any company owning and operating such steamships or steamboats, where such steamships and steamboats can be used wholly or in part in connection with the business of said railroad company.

Co-operative stores.

Steamships or steamboats connected with railroad companies.

219. Every corporation incorporated under the laws of this state, which has the power to issue bonds as evidences of indebtedness, and to secure the same by

Preferred stock.

mortgage of the property of such corporation, or which has the power to obtain money upon mortgage may, whenever in the judgment of said corporation, it is expedient so to do, in place of issuing such bonds and securing the same by a mortgage of the property of the said corporation, or instead of obtaining money upon mortgage, issue a preferred stock for any amount for which the said corporation may be authorized to issue its bonds, or for any amount for which the said corporation may be authorized to obtain upon mortgage of its property, and may dispose of the said stock by sale, on such terms as it may prescribe, or by permitting the same to be subscribed for, as in the judgment of said corporation may be deemed expedient, and every corporation creating such preferred stock as aforesaid, may execute an agreement under seal, guaranteeing to the purchasers of or subscribers to such preferred stock, a perpetual dividend of six per centum per annum out of the profits of the said corporation, payable yearly or half-yearly, as said corporation shall determine before any dividend is distributed to any of the stockholders of the said corporation, other than the holders of said preferred stock so created, and the holders thereof shall have all the incidents, rights, privileges and immunities and liabilities to which the capital stock of said corporation, or the holders thereof, may be entitled or subject; *provided*, however, that no corporation shall exercise any power under this section, unless the creation of the said preferred stock shall be authorized by a general meeting of the stockholders of said corporation.

Perpetual dividend.

Proviso.

General meeting of stockholders.

In force and approved March 30, 1868.

NOTE.—The above law was prepared by Messrs. Gwinn, Mauley and Carter, Commissioners appointed by the Governor to draft laws for the formation of Corporations and for other purposes under section 48 of Article 3 of the Constitution. In their report to the General Assembly, Jan. 14, 1868, they recommend: That the above sections (except sections 217, 218 and 219, which were afterwards inserted) "shall be enacted as one Article of the Code of Public General Laws; and for this purpose they respectfully recommend that all the sections of Article 26 of the Code of Public General Laws be repealed, and that said article be re-enacted to be composed of the sections one to two hundred and seventeen herewith reported. They also further recommend that section 22 of Article 18 of the Code of Public General Laws, sections 93 to 103, both inclusive of the same Code—(this is presumed to be a typographical error, as sections 99 to 103, inclusive of Article 75, are the sections referred to)—and sections 33 to 43, both inclusive of Article 88 of the same Code, be repealed, as the sections so recommended to be repealed have, in an amended form, been incorporated among the provisions contained in the sections which they report as proper to be enacted to constitute Article 26 of said Code." There is no repealing clause in this act; it is merely entitled an act to repeal sections of the Code, which are, however, inaccurately enumerated. See pp. 33, 22, 18.

ROMAN CATHOLIC CHURCH.

1868, c. 268, entitled an act to amend and enlarge the powers conferred by the act entitled an act relating to the manner of holding and transmitting the title to certain church property therein mentioned, passed at December session, 1832, c. 308, enacts, that so much of the act of December session, 1832, c. 308, as provides "that the property and estate to be conveyed and held under the provisions thereof, shall not for any one congregation exceed two acres, and that such property be improved, enjoyed and used only for a church lot, parsonage and burial ground, or such conveyance for such lot shall be void," be, and the same is hereby repealed.

That the Roman Catholic archbishop of Baltimore for the time being, and his successors forever, shall be capable to take, receive and hold by sale, gift, lease or devise, any lots or parcels of land not exceeding in the whole five acres, for the uses of any one congregation, according to the discipline and government of the Roman Catholic Church, to be improved, enjoyed or used for a church, parsonage, burial ground, school house, or any or all of said purposes.

In force and approved March 30, 1868.

NOTE.—See Art. —, Domestic Insurance Companies, being act of 1868, c. 294.

ARTICLE XXVIII.**County Commissioners.****PUBLIC ROADS.**

- 29. Road districts.
- 30. Labor on roads: duty of road supervisors: proviso: roads to be kept in repair.
- 31. Exemption: appeal to county commissioners.
- 32. Commutation.
- 33. Fines: supervisors to account to county commissioners: report.

- 34. Refusing to labor on roads, &c.: penalty: warrant from justice of the peace: proceedings: provisos: appeal to circuit court: bond: fines payable to county commissioners: grand jurors.
- 35. Bond of supervisors: pay of laborers: salaries of supervisors.
- 36. Finger boards or signs: penalty for defacing, &c., boards.
- 37. To what counties this act applicable.

PUBLIC ROADS.

1868, c. 192 repeals 1867, c. 289 [Sup. 64] entitled an act to add a new article to the Code of Public General Laws, to be entitled Public Roads in Caroline county and Talbot county, and which relates to the repairs of the public roads in said counties, and prescribes the duties of the county commissioners, supervisors and others in relation thereto.

1868, c. 299 repeals 1867, c. 290, [Sup. 62] except so far as said article relates to Somerset county, and enacts the following sections in lieu thereof and repeals all laws or parts of laws inconsistent with the provisions hereof:

1868, c. 299 s. 2.
Road districts.

SEC. 29. The county commissioners of the several counties shall have the power to sub-divide each or any of the election districts of their respective counties into road districts, and to appoint a supervisor for each of the said road districts.

Ibid. s. 3.
Labor on roads.

30. Every male inhabitant above twenty-one years of age, and possessing taxable property, assessed at five hundred dollars or upwards, and every other male inhabitant between the ages of twenty-one and fifty years, not residing within the limits of an incorporated town, who shall have resided in any one of the counties to which this article applies, for one month next preceding the date when his services may be demanded, shall be required to labor two days, in every year, on the public roads, in the road district in which he may reside, and the road supervisor, whenever the public roads shall need repairs, shall summon all such persons in his road district, or such number of them as he may deem necessary to make such repairs, provided that he shall not summon the same party twice, until he shall have exhausted the whole number liable to such duty in his road district, giving at least two days' notice of the time and place of meeting; *provided*, however, that no person shall be compelled to labor more than four miles from his place of residence, and the authorities of the incorporated towns within the limits of any county to which this article applies, shall keep the public roads in good condition and repair, to the distance of one mile from their respective incorporated limits, and to enable them to accomplish the same, they are hereby authorized to accept and apply the provisions of this article to persons residing within the limits of their respective corporations.

Duty of road supervisors.

Proviso.

Roads to be kept in repair.

Ibid. s. 4.
Exemption.

31. If any person not possessing taxable property assessed at five hundred dollars or upwards, from whom such labor on the public roads may be required,

under the provisions of the preceding section, shall make it satisfactorily appear to the road supervisors of the road district in which he resides, that he is physically unable to perform the said labor, either by reason of permanent disability or that said disability existed at the time at which his services were required, and is not able to pay the commutation hereinafter provided, it shall be the duty of the said supervisor to exempt such person from the performance of the said labor and commutation for labor, and in case such supervisor shall refuse to exempt any person who shall apply for exemption, as herein provided, such person, if he shall feel aggrieved by such refusal may appeal to the county commissioners of the county, whose decision shall be final.

Appeal to
county com-
missioners.

32. The county commissioners of the several counties may make such commutation of labor for teams and carts or wagons, as they may deem proper.

Ibid. s. 5.
Commutation.

33. Every person liable, as aforesaid, to labor on said public roads, who shall fail to obey the summons of the road supervisor, or furnish a substitute, shall, upon demand made by said supervisor, pay to said supervisor the sum of one dollar and fifty cents for each and every day, not exceeding two days, that he shall fail to perform such labor, and the said supervisor shall collect and account, under oath, to the county commissioners, for all sums of money so collected, and exemptions granted, and shall apply the said money under the directions of the said county commissioners, to hiring laborers to work on the public roads, and shall pay over to his successor, upon the order of the county commissioners, any surplus that may remain in his hands, and the said supervisors shall make a report on oath, once in three months, to the county commissioners, of the money received and expended.

Ibid. s. 6.
Fines.

Supervisors
to account to
county com-
missioners.

Report.

34. Any person liable to labor, as aforesaid, who shall refuse to obey such summons, and shall refuse to labor on said public roads, as hereinbefore provided, for one or two days, as hereinbefore specified, and shall refuse or neglect, upon demand made as afore-

Ibid. s. 7.
Refusing to
labor on roads,
&c.

Penalty.

Warrant from
justice of the
peace.

Proceedings.

Proviso.

Appeal to
circuit court.

Proviso.

Bond.

Fines payable
to county com-
missioners.

said, to pay to said supervisor the sum of one dollar and fifty cents per day, for one or two days' labor, as aforesaid, or shall refuse or neglect to furnish a substitute, as aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon complaint made by such supervisor, be liable to be arrested and brought before any justice of the peace in the county, upon a warrant, to be by said justice issued, in the name of the state therefor, and shall, upon proof of such summons and failure to obey the same, and refusal to pay said sum of one dollar and fifty cents per day, for not exceeding two days, be fined to an amount equal to said sum of one dollar and fifty cents per day, for not exceeding two days, and all costs of such proceedings before said justice, including the pay for the witnesses for the prosecution, and the said justice, in order to enforce the collection of said fines, shall have the power to issue an execution upon the judgment therefor, and to make it a part of said judgment, and the party against whom any such judgment is rendered shall stand committed to the county jail until such fine and costs be paid, but said imprisonment shall not exceed ten days for any one offence; *provided*, that any party against whom any justice of the peace may render a judgment, under any of the preceding sections of this article, may at any time within ten days from the rendition of such judgment, appeal from such judgment to the circuit court for any county wherein the same may have been rendered; *provided*, the party so appealing shall give bond, with surety, to the state of Maryland, to be approved by the said justice of the peace, in the sum of fifty dollars, with condition to prosecute such appeal with effect, and to pay and satisfy the fine imposed by said justice of the peace, in case the judgment shall be affirmed, as, also, all costs adjudged by said justice of the peace, and, also, all costs awarded by the circuit court for the county to which said appeal shall have been taken, and all fines collected under the provisions of this article shall be paid to the commissioners of the respective counties, to be by them applied for the

purpose of repairing the public roads in said counties, and the judges of the circuit courts for the counties to which this article applies, shall give this article in charge to the grand jurors of their respective counties. Grand jurors.

35. The county commissioners shall require the road supervisors appointed by them to give bond to the state, to be approved of by them, for such sums as they may deem proper, conditioned for the faithful performance of the duties required of them, which said bond may be put in suit for the benefit of any person suffering by the neglect of the said supervisor in keeping the roads in his district in proper order, and the said county commissioners shall have full power to fix on the price to be paid for laborers on said roads, and to authorize the said supervisors to hire such number of laborers as they may deem necessary, and the said county commissioners shall pay the said supervisors such salaries or *per diem* as they may think just and reasonable. Ibid. s. 8. Bond of supervisors. Pay of laborers. Salaries of supervisors.

36. The county commissioners shall cause to be placed at such of the forks of the public roads as they may think need the same, finger boards or signs, showing the prominent points that the said roads lead to, and the distance to such points, and any person tearing down or defacing such finger boards or signs shall on conviction thereof before any justice of the peace in the county be fined a sum not less than five or more than ten dollars. Ibid. s. 9. Finger boards or signs. Penalty for defacing, &c., boards.

37. This article shall only apply to the counties of Worcester, Somerset, Anne Arundel, Prince George, Calvert and Talbot. Ibid. s. 10. To what counties applicable.

In force and approved March 30, 1868.

ARTICLE XXIX.

Courts.

COURT OF APPEALS.

43. *Per diem* of crier and sheriff.

CIRCUIT COURTS FOR COUNTIES.

45. Powers of circuit judges: may require production of original papers: bail in criminal cases: oath of security.

COURT OF APPEALS.

1868, c. 30 repeals 1863, c. 107 being section 43 of this article [Sup. 72] and enacts the following in lieu thereof:

1868, c. 30.
Per diem of
crier and
sheriff.

SEC. 43. The crier appointed by the court of appeals shall receive five dollars a day for his attendance for every day, Sundays excepted, during the terms of session of said court of appeals, and whenever, in the judgment of said court, the attendance or services of a sheriff may be required in said court, the judges thereof may direct a sheriff to attend or perform such services, for which attendance and services the said sheriff shall be entitled to a *per diem* of three dollars and fifty cents, and the judges of said court shall, at the end of each session of the said court, give the said crier and sheriff a certificate of the number of days for which they are respectively entitled to said *per diem*.

In force and approved February 18, 1868.

CIRCUIT COURTS FOR THE COUNTIES.

1868, c. 52 repeals section 45 and enacts the following in lieu thereof:

1868, c. 52.
Powers of
circuit judges.

May require
production of
original papers.

45. Each of the circuit judges of the counties, or judicial circuits, as now laid off, constituted and designated by the present constitution, may make orders at common law at any place in their circuit, take effect in any part of their circuit, and may require in writing the original papers in any case, or abstracts and transcripts to be produced before them or either of them, wherever they or either of them may be in their cir-

cuit; and in all criminal cases tried in the term time of said courts, in which the accused has been allowed to give bail by the court, but the session whereof adjourned or concluded before the accused procure bail, it shall be the duty of the aforesaid court or courts, to pass an order prior to adjournment, directing the clerk of the said circuit court in the absence of all of the judges from the court, in which the case may have arisen, to take the bail previously fixed by the said court, upon condition that the party offering to become security shall swear or affirm, as the case may be, that he is worth the amount of the bail in real or personal estate, and further, the clerk must be satisfied of the verity of said affidavit or affirmation.

Bail in criminal cases.

Oath of security.

In force and approved February 18, 1868.

NOTE.—See under Public Local Laws, Art. XXII, Wicomico county, 1868, c. 18 making certain judgments of the courts for Somerset and Worcester counties, liens in Wicomico county.

ARTICLE XXX.

Crimes and Punishments.

ABORTION.

1. Advertising, selling, using, &c., means to cause miscarriage or abortion: punishment: proviso: regular practitioners.
2. Duty of judges.

BRIBERY.

17. Bribing executive officers, judges, members of legislature, &c.: receiving bribes:

fine: imprisonment: disfranchised and disqualified: competent witness: proviso.

DESTROYING PROPERTY MALICIOUSLY.

42. Trespass on land and injuring, &c., houses, &c.: fine: imprisonment: to what counties applicable.

LARCENY.

100. Petty larceny: penalty.

ABORTION.

1868, c. 179 repeals 1867, c. 185 [Sup. 156] and enacts the following in lieu thereof:

SEC. 1. Any person who shall knowingly advertise, print, publish, distribute or circulate, or knowingly cause to be advertised, printed, published, distributed or circulated, any pamphlet, printed paper, book, news-

1868, c. 179, s. 2. Advertising, selling, using, &c., means to cause miscarriage or abortion.

paper notice, advertisement or reference containing words or language, giving or conveying any notice, hint or reference to any person, or to the name of any person real or fictitious, from whom; or to any place, house, shop or office, where any poison, drug, mixture, preparation, medicine or noxious thing, or any instrument or means whatever, for the purpose of producing abortion; or who shall knowingly sell, or cause to be sold any such poison, drug, mixture, preparation, medicine or noxious thing or instrument of any kind whatever; or where any advice, direction, information or knowledge may be obtained for the purpose of causing the miscarriage or abortion of any woman pregnant with child, at any period of her pregnancy, or shall knowingly sell or cause to be sold any medicine, or who shall knowingly use or cause to be used any means whatsoever for that purpose, shall be punished by imprisonment in the penitentiary for not less than three years, or by a fine of not less than five hundred nor more than one thousand dollars, or by both, in the discretion of the court; and in case of fine being imposed, one-half thereof shall be paid to the state of Maryland, and one-half to the school fund of the city or county where the offence was committed; *provided*, however, that nothing herein contained shall be construed so as to prohibit the supervision and management by a regular practitioner of medicine of all cases of abortion occurring spontaneously, either as the result of accident, constitutional debility, or any other natural cause, or the production of abortion by a regular practitioner of medicine when, after consulting with one or more respectable physicians, he shall be satisfied that the *fœtus* is dead, or that no other method will secure the safety of the mother.

Punishment.

Proviso.

Regular practitioners.

Ibid. § 3.
Duty of judges.

2. It shall be the duty of the judges of the several circuit courts of this state and of the criminal court of Baltimore city, to give this act in charge of the grand jury of their respective courts, at each term of said courts.

In force and approved March 28, 1868.

BRIBERY.

1868, c. 369 repeals section 17 and amends and re-enacts the same as follows :

17. If any person shall bribe or attempt to bribe any executive officer of the state of Maryland, any judge or other judicial officer of said state, any member or officer of the general assembly of Maryland, or any member or officer of any municipal corporation in said state, or any executive officer of such corporation, in order to influence any such officer or person in the performance of any of his official duties ; and if any governor or other executive officer of the state of Maryland, any judge or other judicial officer of said state, any member of the general assembly of Maryland or officer thereof, or any member or officer of any municipal corporation, or mayor or other executive officer thereof in said state shall demand or receive any bribe, fee, reward or testimonial for the performance of his official duties, or for neglecting or failing to perform the same, every such person so bribing or attempting to bribe any of such officers or persons shall be deemed guilty of bribery, and on being convicted thereof, shall be fined not less than one hundred nor more than five thousand dollars, or, in the discretion of the court, sentenced to be imprisoned in the penitentiary of this state for not less than two nor more than twelve years, or both fined and imprisoned, and shall also be forever disfranchised and disqualified from holding any office of trust or profit in the state of Maryland ; and any person so bribing or attempting to bribe, or so demanding or receiving a bribe, fee, reward or testimonial, shall be competent witnesses and compelled to testify against any person or persons who may have committed any of the above offences. *Provided*, that all persons so compelled to testify in any such case or cases, shall be exempt from trial and punishment for the offence of which such person so testifying may have been guilty.

1868, c. 369.
Bribing executive officers, judges, members of legislature, &c.

Receiving bribes.

Fine.

Imprisonment.

Disfranchised and disqualified.

Competent witness.

Proviso.

In force and approved March 30, 1868.

DESTROYING PROPERTY MALICIOUSLY.

1868, c. 56 repeals 1867, c. 153 and 1864, c. 247 [Sup. 80] and re-enacts the same to read as follows:

1868, c. 153.
Trespass on
land and injur-
ing, &c., houses,
&c.

Fine.

Imprisonment.

To what coun-
ties applicable.

42. Any person or persons who shall enter upon the land of any other person or body corporate or politic in this state, and shall wilfully or maliciously injure or destroy any house, take and carry away any growing tree, or cut down a tree, or destroy a vine, plant, shrubbery, root, vegetable, fruit or grain, or any fencing, cord wood or hoop poles, shall on conviction thereof be adjudged guilty of a misdemeanor, and after presentment and indictment by a grand jury, and conviction, be fined not less than five dollars nor more than one hundred dollars, or be imprisoned in the city or county jail not less than one month nor more than two months, or be both fined and imprisoned as aforesaid in the discretion of the court aforesaid, and this article shall apply to Alleghany, Frederick, Prince George's, Harford, Washington, Baltimore, Kent, Queen Anne's, Talbot, Caroline, Cecil, Somerset, Carroll, Worcester, Anne Arundel, Montgomery, St. Mary's, Charles, Howard, Dorchester, Wicomico and Calvert counties.

In force and approved February 13, 1868.

LARCENY.

1868, c. 214 repeals section 100 and re-enacts the same to read as follows:

1868, c. 214.
Petty larceny.

100. If any person shall feloniously steal, take and carry away the personal goods of another under the value of five dollars; or if any person shall break into any shop, storehouse, tobacco house or warehouse, although the same be not contiguous to or used with any mansion house, and steal any money, goods or chattels under the value of one dollar, the same order and course of trial shall be had and observed as for other simple larcenies, and being thereof convicted,

he shall be deemed guilty of petty larceny, and shall ^{Penalty.} restore the goods and chattels so stolen, or pay the full value thereof to the owner thereof, and be further sentenced to the penitentiary, or to the jail of the county in which the offence may have been committed, or of the city of Baltimore, if the offence be committed in said city, in the discretion of the court, for not more than eighteen months.

In force and approved March 28, 1868.

ARTICLE XXXIII.

Deaf, Dumb and Blind.

INDIGENT BLIND.

3. Annual appropriation.

INDIGENT BLIND.

1868, c. 205 repeals 1866, c. 74, [Sup. 99,] being section 3 of this article, and enacts the following in lieu thereof:

SEC. 3. A sum not exceeding fifteen thousand dollars, shall be annually appropriated to be applied, <sup>1868, c. 205.
Annual appropriation.</sup> under the direction of the governor, in placing for instruction in the Maryland Institution for the instruction of the blind, such indigent blind persons of the age of nine years and upwards, inhabitants of this state and the county or city from which they are recommended, as may be duly recommended to the governor by the county commissioners of each county, and by the judges of the orphans' court of Baltimore city.

In force and approved March 28, 1868.

NOTE.—1868, c. 409 amends and adds sections to 1867, c. 247, an act to establish and incorporate an Asylum for the Deaf and Dumb of the State of Maryland.

ARTICLE —.

Domestic Insurance Companies.

1. Joint stock insurance companies to make annual statements to comptroller: what to contain: fee to comptroller.

2. Statements to be published: penalty.

1868, c. 294, entitled an act to add a new article to the Code of Public General Laws, to be entitled "Domestic Insurance Companies," providing for annual reports of the condition of the said several insurance companies incorporated under the laws of this state, and doing business within the limits thereof, enacts the following:

1868, c. 294.
Joint stock insurance companies to make annual statements to comptroller.

What to contain.

Fee to comptroller.

Statements to be published.

SEC. 1. Every joint stock insurance company organized under the laws of this state, and doing business of insurance therein, shall make annually, on the first day of January, or within thirty days thereafter, to the comptroller of the treasury, a statement of the condition of said company, verified by the oath of its president or secretary, which statement shall give the amount of its chartered capital, the amount of capital actually paid in, the amount of losses due and unpaid, the amount of losses ascertained but not yet due, the amount of losses reported but not yet adjusted, and all other liabilities of every nature and kind whatsoever, together with a detailed list of all its assets, whether in real estate, bond and mortgage, public stocks, stock notes, premium notes, or other personal security, designating the amount, if any, secured by its own stock, or in cash, and at the time of rendering such statement each company shall pay to the comptroller a fee of ten dollars.

2. Every company as aforesaid shall cause the statement rendered by it to the comptroller, to be published on the first Monday in the month of February, in the same year, daily for one week, in one or more newspapers of the place where said company is located; and if any company as aforesaid shall fail to make the required return of its condition within the time herein designated, or to make the publication thereof within the month of February aforesaid, the said company

shall be liable to a penalty of fifty dollars for each ^{Penalty.} omission for every day thereafter, until the return shall have been rendered or the publication made as required, said penalty to be payable into the treasury of the state, and recoverable in like manner as other fines and penalties.

In force and approved March 30, 1868.

ARTICLE XXXV.

Elections.

REPRESENTATIVES IN CONGRESS.

76. Representatives.

REPRESENTATIVES IN CONGRESS.

1868, c. 335 repeals sections 76 and 77 and enacts the following in lieu thereof:

SEC. 76. Elections of representatives of this state in ^{1868, c. 335.} the congress of the United States, shall be held on the ^{Representa-} Tuesday next after the first Monday in the month of ^{tives.} November every two years, commencing in the year eighteen hundred and sixty-eight, and taking place every second year thereafter.

Passed and approved March 30, 1868.

ARTICLE XXXVI.

Estrays.

2. Affidavit to be made: to be published and posted.

3. When merely posted.

.1868, c. 170 repeals sections 2 and 3 of this article and enacts the following in lieu thereof:

SEC. 2. Any person taking up an estray, trespassing ^{1868, c. 170.} upon his enclosures, shall within a reasonable time ^{Affidavit to be made.}

thereafter go before some justice of the peace of the neighborhood and make affidavit thereof, which affidavit shall contain a description of said estray, and such person shall cause the certificate of such justice as to such affidavit to be published once in each of two successive weeks, in any newspaper published in the county where such estray shall be taken up, if any be so published, and also copies of same to be set up at not less than three of the most public places in the neighborhood, if such estray be of the value of ten dollars or upwards.

To be published
and posted.

When posted
merely.

3. If there be no newspaper published in the county where the estray may be found, or if it be of less value than ten dollars, in such cases the said persons shall cause copies of the certificate of the justice of the peace to be set up at three of the most public places in the neighborhood where found.

In force and approved March 20, 1868.

ARTICLE XXXVII.

Evidence.

COMPETENCY OF WITNESSES.

2. When a party made witness by his opponent: proviso: executor, guardian, &c.

COMMISSION OF SLAVE STATISTICS.

6. Time limited: vacancy.

COMPETENCY OF WITNESSES.

1868, c. 116 repeals section 2 of this article, being 1864, c. 109 sec. 2, [Sup. 109] and enacts the following as a substitute therefor:

1868, c. 116.
When a party
made witness
by his oppo-
nent.

SEC. 2. When an original party to a contract or cause of action is dead, or shown to be lunatic or insane, or when an executor or administrator is a party to the suit, action or other proceeding, either party may be called as a witness by his opponent, but shall not be admitted to testify on his own offer or upon the call of his co-plaintiff or co-defendant otherwise than

now by law allowed, unless a nominal party merely; *provided*, that when an executor or administrator, ^{Proviso.} guardian or committee of a lunatic or insane person is a party to the suit, action or other proceeding when the cause of action has arisen on a contract made with such executor, administrator, guardian or committee, or out of transactions between such executor, administrator, guardian or committee and the other party, or when the executor, administrator, guardian or committee ^{Executor, guardian, &c.} testifies as to any conversation had with the other party, either party may be examined as a witness, as provided for in the other sections of this article.

Passed and approved March 6, 1868.

COMMISSION OF SLAVE STATISTICS.

1868, c. 385 repeals 1867, c. 189, s. 6 [Sup. 115] and substitutes the following in lieu thereof:

6. The aforesaid commissioners shall perform the ^{1868, c. 385.} duties of their respective offices within two years from ^{Time limited:} the date of the passage of this article, and in case of the death, resignation, refusal to act, or removal from office of any of the aforesaid commissioners, the governor shall fill such vacancy or vacancies.

In force and approved March 30, 1868.

NOTE.—See 1868, c. 254, providing for the appointment of a Commissioner of Slave Statistics for Wicomico county, as prescribed by 1867, c. 189, under Public Local Laws, Art. XXII, Wicomico county.

ARTICLE XXXVIII.

Fees of Officers.

CONSTABLES.

Act continued in force.

NOTARIES PUBLIC.

25. Fees on protests.

CONSTABLES.

1868, c. 317 continues in force 1865, c. 67, an act to regulate and make uniform the fees of constables, [Sup. 116,] until April 1, 1870. 1865, c. 67 is continued in force until April 1, 1869, by 1867, c. 375, [Sup. 118.]

NOTARIES PUBLIC.

1868, c. 259 repeals section 25 being 1864, c. 137, [Sup. 120,] and enacts the following as a substitute therefor:

1868, c. 259.
Fees on protests.

SEC. 25. The three last preceding sections shall not apply to notaries in any of the counties, unless the fees on protests in any one year shall exceed the sum of three hundred and fifty dollars.

Passed and approved March 30, 1868.

ARTICLE XLI.

Fish and Fisheries.

HEAD OF THE BAY.

2. Within what time fishing by gill net or seine prohibited: market seines: when permission of owners necessary: penalty.

SINEPUXENT BAY, &c.

3. Hauling or fishing with seines above George's Island Landing: fine.
4. Length of seine: fine.
5. Any justice of the peace to issue warrant: recognisance.
6. Division of fines.

HEAD OF THE BAY.

1868, c. 421 repeals and amends section 2 and re-enacts the same as follows:

1868, c. 421.
Within what time fishing by gill net or seine prohibited.

SEC. 2. No person shall, from the tenth day of June until thirty-first of July, in each year, fish by gill net or hauling seine, within the waters of the Chesapeake

Bay, lying within bounds of Cecil, Kent and Harford counties, or any of its tributaries within said counties, unless with seines usually called market seines, which are used for catching summer fish; nor shall any person, except resident citizens of this state, or the owners or tenants of lands or shores bordering on any of said waters so lying within said counties, fish by gill net, hauling seine, or any device whatever, within the aforesaid waters, at any period of the year, unless by permission of the owners or tenants of the lands or shores aforesaid; and any person violating and offending against either provision of this section shall forfeit the boats, nets and seine, or other fixtures used by such offender at the time of so violating the same.

Market seines.

When permission of owners necessary.

Penalty.

In force and approved March 30, 1868.

SINEPUXENT BAY, &c.

1868, c. 442 enacts the following:

3. If any person or persons shall haul or fish with any seine or seines in Sinepuxent Bay or its tributaries, or in any of the bays or their tributaries on the eastern side of Worcester county, above what is known as George's Island Landing, on Parker's Bay, he or they shall be fined in a sum not exceeding one hundred dollars for the first offence, and two hundred dollars for every subsequent offence, with all costs and charges accruing in the prosecution of such offender or offenders.

1868, c. 442, s. 1.
Hauling or fishing with seines above George's Island Landing.

Fine.

4. No gill net, set-seine or other contrivance for catching fish (otherwise than a hauling seine) in any of the waters aforesaid shall exceed in length or extent seventy-five fathoms, and any person or persons so offending shall forfeit and pay one hundred dollars, and for every subsequent offence, shall forfeit and pay two hundred dollars, together with all costs and charges in the prosecution of such offender or offenders.

Ibid. s. 2.
Length of seine.

Fine.

5. The offences named or contemplated by this act may be heard by any justice of the peace of this

Ibid. s. 3.
Any justice of the peace to issue warrant.

state, before whom the offending party or parties may be brought, or any justice of the peace of this state who, upon information shall issue a warrant for the apprehension of any such offender or offenders; the said justice, upon hearing proof, may either discharge the accused or cause him or them to enter into recognizance, with sureties, in double the amount of the penalty, for any violation of the provisions of this act, to appear at the then session or the next term of the circuit court for Worcester county, to answer for the offence and to satisfy the judgment which may be rendered against him or them therefor, or in default thereof, the said party or parties to be committed to the county jail until such recognizance be given.

6. All fines or penalties imposed by this act shall be divided, one-half to the informer, and the other half to be applied to the improvement of the public roads in said county.

In force and approved March 30, 1868.

NOTE.—See 1868, c. 343 protecting clams and shell-fish in Worcester county under Public Local Laws, Art. XXIII, Worcester county.

ARTICLE —.

General Assembly.

MILEAGE.

1. Of members and officers.

STATIONERY.

2. To members.

MILEAGE.

1868, c. 78 enacts the following:

1868, c. 78.
 Mileage of
 members and
 officers.

SEC. 1. The mileage of members and officers of the house of delegates and senate of Maryland shall be fixed and established as follows, that is to say: the

senators and delegates from Allegany county shall each receive the sum of eighty dollars; those from Anne Arundel county, except from Annapolis city, the sum of fifteen dollars; those from Baltimore city, fifteen dollars; those from Baltimore county, the sum of nineteen dollars; those from Calvert county, the sum of fifty dollars; those from Caroline county, the sum of seventy-four dollars; those from Carroll county, the sum of thirty dollars; those from Cecil county, the sum of thirty-six dollars; those from Charles county, the sum of forty-eight dollars; those from Dorchester county, the sum of ninety dollars; those from Frederick county, the sum of thirty-three dollars; those from Harford county, the sum of twenty-seven dollars; those from Howard county, the sum of eighteen dollars; those from Kent county, the sum of sixty-four dollars; those from Montgomery county, the sum of twenty-six dollars; those from Prince George's county, the sum of twenty-five dollars; those from Queen Anne's county, the sum of sixty-eight dollars; those from St. Mary's county, the sum of seventy-one dollars; those from Somerset county, the sum of ninety-two dollars; those from Talbot county, the sum of eighty-six dollars; those from Washington county, the sum of forty-nine dollars; those from Wicomico county, the sum of eighty-six dollars, and those from Worcester county, the sum of ninety-four dollars.

In force and approved February 26, 1868.

STATIONERY.

1868, c. 70, entitled an act to repeal section first of the act passed March 23, 1867, c. 187, [Sup. 144,] entitled an act to limit the amount of stationery furnished to members and officers of the general assembly, and to provide a system of commutation; and to re-enact in lieu of section first, so repealed, the following, enacts as follows:

2. From and after the passage of this act, it shall not be lawful for the state librarian to furnish any member or officer of the general assembly an amount of stationery to exceed in value more than twenty-five

1868, c. 70.
Stationery to members.

dollars, and any member or officer may, at election, take such amount either in stationery or money, or of both, to said amount.

Passed and approved February 26, 1868.

NOTE.—1868, c. 408 amends 1868 c. 70 by adding a section that it take effect from the day of its passage. 1868, c. 408 was approved March 30, 1868. See Const. 1867, Art. 2, sec. 18, and Art. 3, secs. 30 and 31. See 1868, c. 61 under Art. LXLX, relating to officers of General Assembly.

ARTICLE XLII.

Governor.

25. Insane or lunatic convicts.

1868, c. 352 adds the following section to this article:

1868, c. 352.
Insane or
lunatic con-
victs.

SEC. 25. Upon the recommendation of the board of directors of the Maryland Penitentiary, the governor may remove any insane or lunatic convict confined in the penitentiary, and provide for the support, care and safe keeping of such convict in the Maryland Hospital, or any state institution for the insane, and the expense thus incurred shall be defrayed by the board of directors of the penitentiary, out of the funds arising from or appropriated for that institution.

In force and approved March 30, 1868.

ARTICLE XLIV.

Hospital—Maryland.

1868, c. 58 repeals 1864, c. 129 [Sup. 127] entitled an act to add additional sections to the forty-fourth article of the Code of Public General Laws, title Maryland Hospital, and prescribing an additional oath to be taken by the president, vice president and visitors of the said hospital.

In force and approved February 26, 1868.

1868, c. 275 recites that whereas, the act of incorporation of the Maryland Hospital appointed eleven visitors for Baltimore city and one visitor for each county then constituted; and whereas the said act authorized the board to fill all vacancies but did not authorize them to make original appointments for new counties; and whereas the county of Wicomico has been formed since the said act of incorporation, therefore it enacts, that Dr. Francis M. Slemons of Wicomico county be and he is hereby appointed a visitor of the Maryland Hospital for said county, and that to any vacancy which may happen in said board of visitors by death, resignation or other disqualification, his successor shall be appointed as provided for in the original act of incorporation.

In force and approved March 30, 1868.

1868, c. 246 is an act to aid in the establishment of a hospital, in connection with the Washington University of Baltimore. It appropriates \$10,000 for that purpose, and \$2,500 annually, for sustaining the hospital.

1868, c. 117 repeals sections first and second of the act of 1862, c. 234 entitled an act to amend an act to provide for the erection of a hospital for the insane of this state, and sections fourth, fifth, sixth and eighth of the act of 1864, c. 248, entitled an act for the government of the Insane Asylum, and to regulate admissions thereto, and enacts sections in lieu thereof.

ARTICLE XLVI.

Inebriates.

1868, c. 264, entitled an act to authorize the commissioners of the Insane Hospital at Catonsville to receive inebriates as patients until the hospital for inebriates proper shall be completed, enacts that the commissioners of the Insane Hospital at Catonsville be and they are hereby authorized to receive inebriates as patients in said hospital, subject to the same charges and conditions as other patients until the hospital for inebriates proper shall be completed.

In force and approved March 30, 1868.

1868, c. 437, entitled an act to authorize and empower the president and directors of the Maryland Insane Asylum to convey certain land to the Maryland Inebriate Asylum for the uses of said institution, enacts that the president and directors of the Maryland Insane Asylum be and they are hereby authorized and empowered to grant and convey unto the Maryland Inebriate Asylum, for the proper uses of said institution, and the erection thereon of a suitable building or buildings, such portion of the farm now owned by the Maryland Insane Asylum, not exceeding fifty acres, as may in their judgment be spared without injury to the interests of said asylum.

In force and approved March 30, 1868.

ARTICLE XLVII.

Inheritance.

DESCENTS.

30. Illegitimate children.

DESCENTS.

1868, c. 199 repeals section 30 and re-enacts the same as follows :

1868, c. 199.
Illegitimate
children.

SEC. 30. The illegitimate child or children of any female, and the issue of any such illegitimate child or children shall be able and capable in law to take and inherit both real and personal estate from their mother, or from each other, or from the descendants of each other, as the case may be, and where such illegitimate child or children shall die, leaving no descendants, or brothers or sisters, or the descendants of such brothers and sisters, then and in that case, the mother of such illegitimate child or children, if living, shall inherit both real and personal estate from such illegitimate child or children, and if the mother be dead, then and in that case, the heirs at law of the mother shall inherit the real and personal estate of such illegitimate child or children in like manner as if such illegitimate child or children had been in lawful wedlock.

In force and approved March 28, 1868.

NOTE.—Public General Laws, Art. 93, sec. 135 is identical with the former sec. 30 of this article and should be repealed to conform to 1868, c. 199. The word "born" is omitted in 1868, c. 199 in last line, as above.

ARTICLE L.

Juries.

SELECTING, DRAWING AND SUMMONING JURORS IN THE COUNTIES.

20. Duties of circuit judges: selection from lists: panel: certificate.

SELECTING, DRAWING AND SUMMONING JURORS IN THE COUNTIES.

1868, c. 316 repeals 1867, c. 329, s. 2, [Sup. 136,] and re-enacts the same to read as follows.

SEC. 20. It shall be the duty of the judges of the circuit courts for each of the counties, at any time after the regular term of said courts, at which jurors are required to attend, has adjourned, but not less than fifteen days before the commencement of the next succeeding term at which jurors are required to attend, in the presence of such practising members of the bar of said court, as shall think proper to attend, notice of the time and place having been first given to said bar through the criers of said courts, to proceed to select from the lists last furnished by the clerks of the county commissioners, provided for in the first section of this act, and from the poll books of the several election districts of said counties, that shall be returned and filed in the clerk's office of said courts, after any general election that may be last held previous to such selection, a panel to consist of the names of five hundred persons in the county of Baltimore, of two hundred persons in the several counties of Washington, Montgomery, Allegany, Carroll, Frederick, Anne Arundel, Prince George's, Harford, Cecil, Dorchester, Worcester and Somerset, and of one hundred and fifty persons in the several counties of Howard, Charles, Calvert, St. Mary's, Kent, Queen Anne's, Caroline and Talbot, to be fairly and impartially selected of the age aforesaid, by the said judges, with special reference to the intelligence, sobriety and integrity of such persons, and without the least reference

1868, c. 316, s. 2.
Duties of circuit judges.

Selection from lists.

Panel.

Certificate.

to their political opinion; and of the names of such persons, when so selected, a list shall be made, and a certificate thereto appended by the said judges, that said list of names has been duly selected in conformity with and according to the spirit and intent of this act; and which said lists and certificates shall be filed with the clerks of the said courts, and by them preserved as other proceedings of the said court are kept.

In force and approved March 30, 1868.

ARTICLE LI.

Justices of the Peace.

EXECUTION.

66. How execution made a lien on real or leasehold estate: costs.

67. Record judgment.

68. When sale under execution, valid.

EXECUTION.

1868, c. 443 amends this article by adding thereto the following sections:

1868, c. 443.
How execution
made a lien on
real or lease-
hold estate.

SEC. 66. Hereafter no execution issued upon a judgment rendered by any of the justices of the peace within any of the counties of this state, or in the city of Baltimore, and levied upon any real estate or leasehold property of the defendant in such judgment, shall be a lien upon the real estate or leasehold property upon which it is so levied, unless at or before the time of issuing such execution the plaintiff in such judgment shall file the same with the clerk of the circuit court in which the defendant resides, or with the clerk of the superior court of Baltimore city, if the defendant resides in said city, to be recorded by him in a book kept for that purpose, for which he shall receive twenty-five cents in each case, which sum shall be recovered by the plaintiff as part of the costs of his execution.

Costs.

67. The said clerk shall record the said judgment ^{Record judgment.} forthwith, and shall endorse thereon the time and place of its record, and may then deliver the same to the plaintiff.

68. No sale of any real or leasehold property made ^{When sale under execution valid.} by any constable under any execution issued upon any judgment rendered by any justice of the peace of this state shall be valid unless it shall appear that the provisions of the two preceding sections have been complied with.

Passed and approved March 30, 1868.

ARTICLE —.

Labor and Agriculture.

1. Facts and information as to agricultural, &c., resources: exhibits of property.

2. Visits to immigrant vessels by runners, &c.

3. Penalty.

4. Small maps.

5. Agent to distribute maps, &c.: agents in Bremen and Liverpool.

6. Registers: registered demands for labor.

7. Special requisition for laborers from Europe: contracts with ship owners and companies.

8. Commissioner of immigration and immigrant agent to transfer papers, &c., to superintendent.

9. Accounts of expenses.

10. Public notice: forms and rules.

11. Reports from state inspectors of agricultural products and fertilizers.

12. Regulations.

13. Accounts, &c., by state inspectors.

14. Personal inspections of tobacco warehouses, &c.

15. Supervision of public buildings, &c.

16. Undeveloped resources: oyster fisheries.

17. Bond of superintendent: to be recorded.

18. Location of office.

19. Assistants.

20. Appropriation.

1868, c. 300, entitled an act to organize and regulate the department of labor and agriculture, pursuant to the tenth article of the constitution, enacts the following:

SEC. 1. The superintendent of labor and agriculture shall prepare and distribute, or caused to be prepared and distributed, both at home and abroad, such facts and information as may conduce to a complete, full and satisfactory understanding of the agricultural, mineral, manufacturing and general commercial resources of the state of Maryland, and shall keep always open to in-

1868, c. 300.
Facts and information as to agricultural, &c., resources.

Exhibits of
property.

spection, in his office, reliable exhibits, with the terms annexed, of such property in Maryland as the owners thereof may desire to have registered in said office as for rent or sale.

Visits to immi-
grant vessels
by runners, &c.

2. It shall not be lawful for any other agent, runner or solicitor to visit vessels arriving with immigrants on board for any purpose whatsoever, until such immigrants have been seen and properly instructed by the said superintendent of labor and agriculture, or by one of his clerks or agents, expressly charged with that duty.

Penalty.

3. Any person or persons violating the last preceding section shall be liable, on conviction in any court of law in this state having competent jurisdiction, to a fine of not less than fifty dollars nor more than five hundred dollars, or imprisonment for not less than thirty days nor more than sixty days, at the discretion of the court, said fine to go to the state.

Small maps.

4. Said superintendent may, if he shall deem it advantageous, cause to be printed a small map of Maryland, showing the county lines, rivers, railroads and other chief routes of communication, and also the position and names of its principal towns, and upon the margin and back of said map he shall cause to be printed a concise description of the resources of the state, its climate, soils, and the value of its productions, and any other advantages calculated to attract permanent settlers from Europe, or from any part of the United States; and said descriptive maps shall be printed in such languages as the said superintendent may direct.

Agent to distri-
bute maps, &c.

5. The said superintendent is hereby authorized to employ two intelligent agents, who shall speak the languages of the people among whom they are to labor, whose duty it shall be to judiciously distribute the maps and other information sent to them by said superintendent, and who shall exert themselves by personal intercourse with the people, and in such ways as the superintendent may direct in advising and aiding useful and industrious persons to immigrate to Mary-

land; one of said agents shall have his office in Agents in Bremen and Liverpool. Bremen and the other in Liverpool; they shall be subject to the orders of the superintendent, and shall be discharged by him whenever in his judgment they have ceased to be useful agents of his department.

6. Said superintendent of labor and agriculture Registers. shall be required to keep in his office a book, in which he shall cause to be registered the names and places of residence of such citizens of Maryland as may desire to obtain the assistance of his department in procuring European or other white laborers, together with the number and description of laborers required, and also the nature of the employment and the rate of wages and other necessary information; and the said superintendent shall transmit from time to time to his agents in Europe a list of such registered demands for labor, and also of such Registered demands for labor, &c. lands as may be registered in his office as for rent or sale, agreeably to the provisions of the first section of this act, and the said superintendent at home and his agents abroad shall invite the attention of immigrants to the offers extended by our citizens, and when necessary shall furnish written directions to all applicants for employment or lands, to such places within the state as may be selected by them.

7. Whenever any citizen of Maryland may desire Special requisition for laborers from Europe. to send to the said agent in Bremen or Liverpool a special requisition for laborers or artizans of any description, and said citizen shall desire to advance the money necessary for their transportation, the amount to be afterwards deducted from their wages, or on any other stipulated terms he shall enter into obligations with the said superintendent and in the form to be presented by him and kept in his office, and the said superintendent is hereby authorized to contract with Contracts with ship owners or companies. any ship owner or company engaged in the passenger trade between Baltimore and any European port for the transportation at a fixed rate, of all such immigrants as his agent may desire to send to Maryland, in

compliance with such special contracts as are described in this section.

Commissioner of immigration and immigrant agent to transfer papers, &c., to superintendent.

8. The commissioners of immigration appointed under an act passed February eighth, eighteen hundred and sixty-six, and the immigrant agent appointed by an act passed March twenty-first, eighteen hundred and sixty-seven, are hereby authorized and requested to transfer to the superintendent of labor and agriculture of this state all papers, documents, maps, records and other public property appertaining to their said offices, and take his receipt for the same, which shall be filed among the other vouchers of said commissioner and agent in the office of the state comptroller.

Accounts of expenses.

9. The said superintendent shall keep an accurate account of all moneys expended by him under the provisions of this act, and make a full statement of the same in his regular report to the General Assembly.

Public notice.

10. When the superintendent of labor and agriculture shall be prepared to execute the duties enjoined by this act, he shall give public notice of the same in at least one newspaper in every county of this state, and in the city of Baltimore, and he may append thereto a copy of such forms and rules as he may adopt for the transaction of the business of this division of his department.

Forms and rules.

Reports from state inspectors of agricultural products and fertilizers.

11. The state inspectors of agricultural products and fertilizers, shall render to the superintendent of labor and agriculture in the forms and according to the regulations prescribed by him such monthly reports of the receipts and expenditures, and of the work and business of their offices as he may prescribe.

Regulations.

12. The superintendent of labor and agriculture shall issue from time to time necessary and proper regulations to secure economy and efficiency in the inspection service of the state. These regulations not inconsistent with law shall have the force of law and be duly respected and obeyed.

Accounts, &c., by state inspectors.

13. All quarterly accounts and vouchers of receipts and expenditures required by law to be rendered by state inspectors to the comptroller, shall be promptly

and punctually transmitted by them to the superintendent of labor and agriculture, which he shall carefully examine and audit and transmit to the comptroller for final settlement.

14. The superintendent of labor and agriculture shall make, from time to time, such personal inspections of the tobacco warehouse and all other buildings, used for inspection and storage purposes by the state as may be useful to a proper supervision thereof, and the proper enforcement of the laws and regulations to secure economy and efficiency in the inspection service; no expenditures or contracts for expenditures for repairs or improvements in the warehouses, or for any work except the ordinary work of inspection, coo-
Personal inspections of tobacco warehouse, &c.
perage, conditioning, re-packing, receiving and issuing tobacco shall be made except with his approval and according to his specific instructions.

15. He shall have the like charge and supervision of all the other public buildings of the state, and the like direction of all expenditures for their preservation and repair.
Supervision of public buildings, &c.

16. For the purpose of inquiring into the undeveloped resources of the wealth of the state within the limits of the Chesapeake bay and its tributaries, the superintendent of labor and agriculture may with the concurrence of his co-commissioners of the state oyster police force require the commanding officer of said force, to make such inquiries and examinations as will tend to develop the oyster fisheries and preserve them as a permanent source of revenue to the state, and the said commanding officer shall frequently report the result of his investigations to the said superintendent.
Undeveloped resources.

17. The superintendent of labor and agriculture shall, before entering upon the discharge of his duties, give bond to the state of Maryland with security or securities approved by the governor, in the penalty of fifty thousand dollars, with condition that he will truly and faithfully discharge, execute and perform all and singular the duties of him required and which may be required by the constitution and laws, and the said
Oyster fisheries.
Bond of superintendent.

To be recorded. bond shall be recorded in the office of the clerk of the court of appeals, and certified copies under seal of said court may be used in evidence in any court in this state.

Location of office. 18. The said superintendent of labor and agriculture shall keep his office in the city of Baltimore, and may rent a room for the transaction of his business until other suitable accommodations are provided by law.

Assistant. 19. The said superintendent of labor and agriculture may employ an assistant, whose compensation shall be twenty-five hundred dollars per annum, and also such clerks and runners as the business of his office may from time to time require, who shall be paid for their services out of the fund hereinafter appropriated.

Appropriation. 20. To enable the said superintendent to perform the duties enjoined by the constitution and by this act, the sum of twelve thousand dollars is hereby appropriated for the year eighteen hundred and sixty-eight, and a like sum for the year eighteen hundred and sixty-nine, to be paid upon the order of the superintendent by the treasurer upon the warrant of the comptroller.

In force and approved March 30, 1868.

NOTE.—See under Public Local Laws, Art. IV, City of Baltimore, 1868, c. 295, relating to the appointment of Inspector of all fertilizers other than guano, by the Superintendent of Labor and Agriculture.

ARTICLE LIII.

Landlord and Tenant.

DISTRESS FOR RENT.

17. Property exempt from distress. 22. When rent a lien on crops.

DISTRESS FOR RENT.

1868, c. 173 repeals and re-enacts section 17 to read as follows:

1868, s. 173.
Property ex-
empt from dis-
tress.

SEC. 17. The following property shall be exempt from distress for rent, to wit: every spinning wheel,

loom or sewing machine, which may be loaned or hired to the tenant; and every horse, carriage, and harness, whip and robe, in any livery stable, or which may be at livery or stored with any keeper of any livery stable, or in any other place, outhouse or barn of the tenant, and all property of any boarder or sojourner at any hotel, tavern, public or private boarding house, and any vehicle not the property of the tenant, in any shop for repairs, every stove, every piano or other musical instrument, rented or hired or loaned to the tenant, where the contract of renting or hiring or lending is in writing, signed by the parties thereto, and acknowledged before a justice of the peace of the county or city wherein the parties reside, and the justice shall enter upon his docket the substance of the contract, and that the parties acknowledge the same.

In force and approved March 20, 1868.

1868, c. 292 adds the following section to this article to follow section 21:

22. In all cases of renting lands, wherein a share of the growing crop or crops shall be reserved as rent, said rent reserved shall be a lien on such crop or crops, which shall not be diverted by any sale made thereof by the tenant, or by the assignment of the tenant in bankruptcy or insolvency, or by the process of law issued against the tenant.

1868, c. 292.
When rent a
lien on crops.

In force and approved March 30, 1868.

ARTICLE LV.

Librarian—State.

6. Laws, journals, &c. of General Assembly, how distributed.
9. Distribution of Maryland Reports.

17. Annual appropriation for purchase of books, &c.
18. Court of Appeals to make regulations for library.

1868, c. 387 repeals sections 6, 9, 17 and 18 of this article and re-enacts the same to read as follows :

1868, c. 387.
Laws, journals,
&c., of general
assembly.

How distributed.

SEC. 6. He shall have bound the laws, journals and documents of the general assembly, and shall distribute and forward the same, when bound, under the direction of the governor, to the persons entitled by law to receive the same, that is to say : to the governor of the state of Maryland, one copy of each ; to the comptroller, treasurer, commissioner of the land office and superintendent of labor and agriculture, each one copy of the laws ; to the court of appeals, one copy of the laws for the office of the clerk, and one copy for each judge ; to the library of congress, two copies of the laws, journals and documents ; to the executive department of each state and territory of the union, one copy of the laws, documents and journals ; to the directors of the Maryland Penitentiary, one copy of the laws ; to the mayor and city council of the city of Baltimore, two copies of the laws ; to the chief judge and each of the associate judges of the court of the supreme bench of Baltimore city, one copy of the laws ; to the clerk of the superior court of Baltimore city, the clerk of the court of common pleas, the clerk of the circuit court for Baltimore city, the clerk of the criminal court for Baltimore city, and the clerk of the Baltimore city court, one copy of the laws for the use of their respective offices, and three copies of the journals and documents for the inspection of the citizens ; to the register of wills for Baltimore city, one copy of the laws ; for each judge of the orphans' court one copy of the laws, and one copy for the office ; one copy of the

laws for each justice of the peace in and for the city of Baltimore; to the clerks of the circuit courts for the several counties, one copy of the laws for office use, and three copies of the journals and documents for the inspection of the citizens; to each of the associate judges of the several judicial circuits, except the eighth circuit, one copy of the laws; one copy of the laws, journals and documents for each member of the general assembly; one copy for the office of the county commissioners; one copy for each judge of the orphans' court, and one copy for each justice of the peace in and for their respective counties; the said copies to be delivered by the clerks of the circuit courts and the clerk of the city court of Baltimore.

9. The Maryland Reports shall be distributed by the librarian in the following manner, that is to say: to the court of appeals, two copies for the office and one for each of the judges thereof; to each of the associate judges of the circuit courts of the several counties, to the chief judge and the associate judges of the court of the supreme bench of Baltimore city, one copy each for the use of their respective offices; to the clerks of the circuit courts for the several counties and of the city of Baltimore, and the clerk of the superior court of Baltimore city, the clerk of the court of common pleas, the clerk of the city court of Baltimore, and the clerk of the criminal court of Baltimore, one copy each; to the registers of wills throughout the state, for the use of the registers of wills and orphans' court, one copy; to the commissioner of the land office, one copy; to the executive chamber, one copy; to the superintendent of labor and agriculture, one copy; to the library of congress, two copies; to the general assembly, eight copies; and to the executive department of each state in the union, one copy.

Distribution of
Maryland re-
ports.

17. The sum of two hundred dollars shall be appropriated annually for the purchase of books and maps for the augmentation of the library, which shall be laid out under the direction of the judges of the court of appeals, and said judges shall have authority to draw

Annual appro-
priation for
purchase of
books, &c.

upon the state treasurer for any annual appropriation heretofore made by the general assembly and not as yet expended.

Court of appeals
to make regu-
lations for
library.

18. The judges of the court of appeals shall establish such regulations in relation to the library as to them may seem proper; and may alter and amend the same, from time to time, provided such regulations be not inconsistent with law.

In force and approved March 30, 1868.

NOTE.—As to stationery to be furnished members of Legislature, by Librarian, see 1866, c. 70, and 1868, c. 408, under Article —, General Assembly.

ARTICLE LVI.

Licenses.

BROKERS.

- 10. Real estate broker: penalty.
- 11. Insurance broker: penalty.

FOREIGN CORPORATIONS AND COMPANIES.

- 28. Agents of foreign insurance companies: statement under oath: authority to settle losses.
- 29. Penalty: proviso.

NON-RESIDENT TRADERS.

- 37. Non-permanent residents.
- 38. License, how issued.
- 39. Non-residents not to sell under name or in stores, &c., of licensees.
- 40. Penalty.

TRADERS.

- 41. When license may be transferred.

BROKERS.

1868, c. 448 adds to section 10 of this article the following, [Sup. 148:]

1868, c. 448.
Real estate
broker.

SEC. 10. Any person applying for the same and paying the sum of fifty dollars, may obtain a license for carrying on the business of real estate broker, and any individual, co-partnership or firm who shall carry on the business of a real estate broker without a license, shall be subject to the penalties imposed upon other brokers by section seventeen of this article.

Penalty.

In force and approved March 30, 1868.

1868, c. 209 adds to section 11 the following, [Sup. 148:]

11. Any person applying for the same and paying ^{1868 c. 209.} the sum of one hundred dollars may obtain a license ^{Insurance broker.} for carrying on the business of insurance broker, and any individual, co-partnership or firm who shall carry on the business of an insurance broker without a license shall be subject to the penalties imposed upon other ^{Penalty.} brokers by section seventeen of this article.

In force and approved March, 1868.

FOREIGN CORPORATIONS AND COMPANIES.

1868, c. 243 repeals sections 28 and 29 and re-enacts the same to read as follows:

28. Any agent or agents of foreign insurance com- ^{1868, c. 243.} panies doing business or proposing to do business in ^{Agents of} this state shall pay for his or their license to the comp- ^{foreign insur-} troller or treasurer the sum of four hundred dollars ^{ance compa-} annually for each and every company represented by ^{nies.} him or them, but before the comptroller shall issue said license he shall require a statement under oath of ^{Statement} the true financial condition of the office or offices pro- ^{under oath.} posed to be represented by him or them and for which he or they may make application for license, and the comptroller shall also require as a condition precedent to issuing of said license the exhibition of authority ^{Authority to} from the parent office or offices to settle losses without ^{settle losses.} the interference of the officer or officers of the said parent office or offices.

29. No person shall act as such insurance agent ^{Penalty.} without complying fully and entirely with the provisions of section twenty-eight of this article, any person so offending shall forfeit and pay into the treasury the sum of five hundred dollars, one-half of which shall be placed by the treasurer to the credit of the public school fund and the other half to the informer, the whole amount of which shall be recoverable by law

Proviso. as other fines and penalties are recovered; *provided* that nothing in this article shall be so construed as to effect in any way regularly licensed insurance brokers.

In force and approved March 28, 1868.

NON-RESIDENT TRADERS.

1868, c. 413 repeals 1867, c. 252 [Sup. 149] entitled an act to repeal sections 37, 38, 39 and 40 of this article and substitutes the following therefor:

1868, c. 413.
Non-perma-
nent residents.

37. No person, not being a permanent resident in this state, shall sell, offer for sale, or expose for sale, within the limits of the city of Baltimore, any goods, wares, or merchandise whatever, other than agricultural products, and articles manufactured in the state of Maryland, within the limits of the said city, either by card, sample or other specimen, or by written or printed trade list or catalogue, whether such person be the maker or manufacturer thereof or not, without first obtaining a license so to do.

License, how
issued.

38. Such license shall be issued to the person or partnership applying for the same, on the payment of three hundred dollars, and shall run one year from date.

Non-residents
not to sell
under name or
in stores, &c.,
of licensees.

39. No person, whether a resident or not of the city of Baltimore, and licensed to sell therein, shall suffer or permit any person not a permanent resident of the state of Maryland, or the agent or representative of any person or persons not residents of the state of Maryland, and not in his regular employ or service, to sell any goods, wares, or merchandise by sample, card or other specimen, or by written, printed or trade list, under his name or the name of his firm or partnership, or at the store, counting room or warehouse in his occupation or used as his place of business.

Penalty.

40. Any person offending against either of the three last preceding sections, shall be liable to indictment, and upon conviction, shall be fined not less than four hundred dollars, nor more than six hundred dollars for each offence, one-fourth to the informer and the other three-fourths to the public school fund of the

state; and any and all informers shall be compelled to appear and prosecute any and all violators of this article, or shall be subject to a fine or imprisonment, or both, in the discretion of the court.

In force and approved March 30, 1868.

TRADERS.

1868, c. 238 adds the following section to this article:

41. Any trader who has taken out license to sell goods, chattels, wares, merchandise, spirituous, fermented liquors or lager beer, in this state, shall have the privilege to sell out said license to any party purchasing his stock of goods and purchasing or renting his place of business, and the party so purchasing may continue to sell under the license of his predecessor in business until the expiration of said license.

1868, c. 238.
When license
may be trans-
ferred.

In force and approved March 28, 1868

ARTICLE LVII.

Limitation of Actions.

13. When right to bring suit accrues.

1868, c. 357 adds the following section to this article:

SEC. 13. In all actions to be hereafter brought, where a party has a cause of action of which he has been kept in ignorance by the fraud of the adverse party, the right to bring suit shall be deemed to have first accrued at the time at which such fraud shall, or with usual and ordinary diligence might have been known or discovered.

1868, c. 357.
When right to
bring suit
accrues.

In force and approved March 30, 1868.

ARTICLE LX.

Marriages.

5. License or publication of bans: friends.

1868, c. 42 repeals section 5 of this article and re-enacts the same as follows:

1868, c. 42.
License or pub-
lication of
bans.Quakers.
Proviso.

Proviso.

SEC. 5. No persons within this state shall marry without a license, as hereinafter directed, or before the names of the parties intending to marry shall be thrice published in some church, or house of religious worship, in the county where the woman resides, on three several Sundays, by some minister residing in said county. Nevertheless it is provided that any persons within this state may marry according to the ceremony used by the society of people called Quakers, *provided* the contracting parties shall sign a certificate to the effect that they have agreed to take each other for husband and wife, and, that the said certificate has been attested by at least twelve witnesses; and *provided*, further, that the said certificate shall, within sixty days, be recorded either amongst the records of the society to which either of the contracting parties may belong, or in some court of record, in the city or county in which the said marriage may be accomplished.

In force and approved February 18, 1868.

ARTICLE LXI.

Mechanics' Lien.22. Machines, wharves and bridges,
subject to lien.

24. Bill in equity or scire facias.

1868, c. 23 repeals sections 22 and 24 of this article and enacts the following in lieu thereof:

1868, c. 23.
Machines,
wharves and
bridges subject
to lien.

SEC. 22. Every machine, wharf and bridge erected, constructed or repaired within this state, shall be subject to a lien in like manner as buildings are made subject under the provisions of this article.

24. The proceedings to recover the amount of any ^{Bill in equity or scire facias.} lien under this article, whether upon a house, machine, wharf, bridge, boat or vessel, shall be by bill in equity or by *scire facias*.

In force and approved February 18, 1868.

ARTICLE LXIII.

Military.

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. What militia to consist of. 2. Maryland National Guard: reserves. 3. Call for volunteers or draft: powers of commander-in-chief. 4. Volunteering or commuting: exemption on payment. 5. Term of service: exemption. 6. Commander-in-chief to appoint enrolling officers: their duties: compensation: bond. 7. Refusing to give name, &c.: penalty. 8. Fines, commutations, &c., disposition of. 9. Exemption from militia duty. 10. Military districts: organization of militia: rules and regulations. 11. Volunteer companies. 12. By-laws of companies of national guard: fines and penalties, how collected. 13. Distribution of uniforms, arms, &c. 14. General staff, what to consist of: term of office. 15. Duties of adjutant-general. 16. Ordnance stores. 17. Duties of officers of general staff. 18. Furnishing uniforms, arms, &c.: bond for safe keeping. | <ol style="list-style-type: none"> 19. Uniforms, &c., property of state. 20. Officers to account for property: suit or bond. 21. Arms, &c., deposited in armories: fine. 22. Injuring, &c., uniforms, &c.: penalty. 23. Wearing uniform off parade, &c.: fine. 24. Selling, &c., uniforms, &c.: penalty. 25. Return of public property to adjutant-general: action on bond. 26. Uniforms, &c., exempt from distress, attachment, &c.: horses. 27. Election of officers: appointments: warrants. 28. Commissioned officers: power of governor. 29. Board of examiners: proviso. 30. Camps of instruction. 31. Armories: rent. 32. Escort. 33. Horses. 34. Oaths and declarations: certificate. 35. Forfeitures. 36. Pay and rations. 37. Organization, &c., continued: proviso. 38. Military year. 39. Military fund: appropriations. |
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1868, c. 414 repeals 1867, c. 337 [Sup. 162] and enacts in lieu thereof the following sections to be arranged in the Public General Laws under an article to be entitled Military. (Const., Art. IX.)

SEC. 1. The militia of this state shall consist of all ^{1868, c. 414.} able-bodied white male citizens, between the ages of ^{What militia to consist of.} eighteen and forty-five years, and not exempt by the laws of the United States, except the comptroller, the treasurer, the secretary of state, judges and clerks of courts of record, registers of wills, sheriffs and ministers of any religious denomination.

Maryland
national guard.

Reserves.

Call for volun-
teers or draft.

Powers of com-
mander-in-
chief.

Volunteering
or commuting.

Exemption on
payment.

Term of ser-
vice.

2. The militia of this state shall be divided into two classes. The first shall be styled the Maryland National Guard, and shall consist of volunteer organizations as hereinafter provided, and in case of war, invasion, insurrection or riots, or the reasonable apprehension of such, the first class shall be first called into service, unless the governor, as commander-in-chief, shall otherwise direct, and the first division of the national guard shall be formed within the city of Baltimore; the second class shall be styled the Reserves, and shall be called out either in whole or in part, only when the public safety, from the causes aforesaid, shall be so imminently endangered as to require, in the opinion of the commander-in-chief, a larger force than the national guard can immediately supply.

3. In case of war, rebellion, insurrection or threatened invasion of this or any neighboring state, the commander-in-chief is hereby authorized to order out for actual service, either by calling for volunteers, by draft or otherwise, as many of the militia as the exigency may in his judgment require, and in such case he is hereby vested with the full power and authority to fill up the national guard by draft, and to make needful rules and regulations therefor, which rules and regulations shall have the force of law.

4. Every person liable to militia duty in this state is hereby required either to join the national guard as a volunteer, or pay to the state the sum of two dollars each year, the said sum to be collected under the fortieth article of the Code of Public General Laws, and the payment of which sum shall exempt him from militia duty for one year from the date of such payment, subject, however, to a call of the reserves rendered necessary as aforesaid, and subject also to his liability to draft as aforesaid to fill the ranks of the national guard.

5. Every commissioned and non-commissioned officer and soldier of the national guard shall be held to service therein for the term of three years, unless he shall sooner arrive at the age of forty-five years or be disabled or be discharged, and thereafter he shall be

entitled to a certificate of such service from the adjutant general, and be exempted from further military duty in time of peace. Exemption.

6. The commander-in-chief shall be empowered to appoint such persons in each military district as are in his judgment required to act as enrolling officers of their respective districts, who shall, when directed by the commander-in-chief, and under such rules and regulations as he may prescribe, proceed to enroll the persons liable to military duty, either as members of the national guard or as members of the reserves of this state, and who shall receive an amount not exceeding ten per cent. on collections made by them in the city of Baltimore, and not exceeding twenty-five per cent. on collections made by them in any of the counties of the state from such persons as may elect to join the reserves, and no other compensation, and who shall give a good and sufficient bond to the adjutant general for the faithful performance of their duty, to be approved by the commander-in-chief. Commander-in-chief to appoint enrolling officers. Their duties. Their compensation. Bond.

7. Every person called upon to be enrolled, who shall refuse to declare his true name and age, or the name and age of any person or inhabitant of his house with whom he is acquainted, to the best of his knowledge, shall for each offence forfeit and pay the sum of ten dollars, to be recovered by order and upon certificate of the enrolling officer as fines are collected under the fortieth article of the Code of Public General Laws. Refusing to give name, &c. Penalty.

8. The amount collected from the reserves, and fines collected under any section of this article, shall be paid over to the adjutant general and by him to the treasurer of the state, who shall keep a separate account of all moneys which shall be collected for the state military fund, showing all the sources and districts from which it may be derived, and whether paid as a commutation or as a fine or penalty, and all fines and penalties imposed by the civic courts or justices of the peace, for any violation of any portion of this article, shall be deemed to be a portion of the military fund of this state, and shall be collected and accounted for as such. Fines, commutations, &c., disposition of.

Exemption
from militia
duty.

9. No person shall be excused from militia duty on account of corporeal infirmity, unless he shall obtain from the surgeon of his military district, if any, or if none, from such respectable physician of the neighborhood or county to which he belongs as the commanding officer of the district may name, a certificate of such inability, and the same be indorsed by said commanding officer.

Military dis-
tricts.

Organisation of
militia.

Rules and regu-
lations.

10. The adjutant general of this state shall, under rules and regulations to be prescribed by the governor as commander-in-chief, divide this state into military districts, and enroll and organize the militia of this state into companies, batteries, squadrons, battalions, regiments, brigades and divisions, and by general and special orders to be approved by the commander-in-chief, make such rules and regulations for their control, discipline, armament and equipment as may be constitutional and necessary, which rules and regulations shall, so far as practicable, conform to the laws and regulations governing the organizing of the United States volunteer forces, their discipline, equipment, armament and officers, and which rules and regulations shall have the force of law.

Volunteer com-
panies.

11. Volunteer companies, the members of which reside in different military districts, will, with the approval of the commander-in-chief, be recognized as forming part of said national guard, and the several districts to which they belong will be credited with the number of men respectively so furnished.

By-laws of
companies of
national guard.

12. Every organized company of the national guard may, by a vote of a majority of its members, adopt by-laws which, when approved by the commanding officer of the regiment, battery, battalion or squadron to which said company belongs, and submitted to and approved by the adjutant general, shall be binding upon all members of such company, provided that nothing therein shall be inconsistent with the constitution of this state, or the general militia law thereof, or the rules and regulations prescribed under the direction of the commander-in-chief as hereinbefore pro-

vided, and whenever any fine or penalty for absence from drill or other neglect of duty shall be imposed by virtue of such by-laws, the same may be collected by execution, in the same manner as judgments rendered by a justice of the peace, for the use of said company, upon a statement certified by the commanding officer thereof, showing how, when and for what amount said fine or penalty was assessed.

Fines and penalties, how collectable.

13. The commander-in-chief shall prescribe such rules, orders and regulations for the distributions of uniforms, arms, accoutrements, ammunition and military stores as he may deem proper, as also for the safe keeping and return of all such property, and which rules and regulations shall have the force of law.

Distribution of uniforms, arms, &c.

14. The general staff of the militia shall consist of an adjutant general with the rank of major general, and salary at the rate of \$2,000 a year, and a quartermaster general, a commissary general, a chief engineer, a chief of ordnance, an inspector general, a surgeon general, a paymaster general and judge-advocate general, who shall have the rank of brigadier general, and shall be appointed by the governor, by and with the advice and consent of the senate, and hold office until the appointment and qualification of their successors, or until removed in pursuance of the sentence of a court martial; and the governor is hereby empowered to appoint such number of aides-de-camp, with the rank of colonel, as may be necessary to discharge his duties as commander-in-chief.

General staff, what to consist of.

Term of office.

15. The duties of the adjutant general shall be as follows, to wit: he shall issue, sign and transmit all general orders of the commander-in-chief to the several officers of the military through the proper channels, and shall keep a record of all general and special orders and regulations, and cause the same to be published when directed; he shall enter on record a description of the divisions, brigades, regiments, battalions, squadrons, batteries and companies which are or may hereafter be formed, and every alteration thereof, showing the name, rank, number and date of

Duties of adjutant general.

commission, office and residence of each officer and member, and shall revise said roster annually and correct the same; he shall make out and issue all commissions and discharges directed by the commander-in-chief; he shall prepare and provide the necessary rosters, books of record, forms, blanks for commissions, discharges, returns and other papers required under this act, at the expense of the state, and distribute the same to commanding officers of divisions, brigades, regiments, battalions and squadrons entitled to them, upon proper requisition therefor; he shall be charged with all correspondence between the commander-in-chief and officers of the several states and territories, the secretary of war, the adjutant general of the army of the United States and other persons in official stations on the subject of military affairs, and keep a record of such correspondence. He shall annually make a return, in triplicate, of all the militia of this state, one copy whereof he shall deliver to the commander-in-chief, on or before the first day of January thereafter, one copy to be transmitted to the adjutant general of the United States army and one copy shall be filed in his office. He shall receive and file all returns made to him according to law and regulation, and annually make a detailed report thereof to the commander-in-chief. He shall, except in so far as the duties may be distributed by the governor to the other chiefs of the administrative branches of the general staff, make contracts with the lowest bidders, upon public notice, for the supply and furnishing to such troops as the governor may direct, within the limit of the appropriations by act of the general assembly to such purpose, uniforms, arms, ammunition and equipments, the said uniforms not to cost more than \$20 each, and in all cases; and by whatever officer these contracts for expenditures shall be made, in the manner prescribed, the said officer shall make and certify the account, with explicit vouchers, and transmit the same, countersigned and approved by the governor, to the comptroller, for final settlement in the mode and

manner prescribed in the constitution for the audit and payment of claims against the state, and he shall perform such other duties as may properly belong to his office, or which may be prescribed by the commander-in-chief, and to aid him in the discharge of his duties he shall be allowed such clerical force as may be necessary, *provided* the amount of salaries does not exceed Proviso. the sum of two thousand dollars.

16. The chief of ordnance shall, when directed by the commander-in-chief, and under his direction and with his approval, provide all ordnance and ordnance stores which may be required for the purposes mentioned in this article, and shall receive no compensation therefor, except when on service by command of the commander-in-chief, and mustered in with the troops. Ordnance stores.

17. The other officers of the general staff of the militia of this state shall, when directed by the commander-in-chief, and under rules and regulations to be prescribed by him, perform such duties as may properly belong to their several offices, or which may be prescribed by the commander-in-chief, and they shall receive no compensation therefor except when on service by command of the commander-in-chief, and mustered in with the troops. Duties of officers of general staff.

18. The commander-in-chief, within the limit of the appropriations by act of the general assembly, and, in the manner prescribed in the seventeenth section of this article, shall authorize the adjutant general to furnish such companies of cavalry, artillery and infantry, when duly organized under this law, as he may deem necessary for the proper enforcement of the laws, at the expense of the state, with such uniforms, arms and equipments as are required for military duty, and upon the proper written requisition of the commanding officer of such companies respectively, and the commanding officer of each company shall give a good and sufficient bond to the state of Maryland, to be approved by the adjutant general and the commander-in-chief, for the safe keeping and return of such uniforms, arms and equipments. Furnishing uniforms, arms, &c. Bond for safe keeping.

Uniforms, &c.,
property of
state.

19. The uniforms, arms and equipments so furnished, shall remain and continue to be the property of the state to be used for military purposes only, and shall be returned when called for by the adjutant general.

Officers to
account for
property,

20. Any officer receiving, under the provisions of this article, public property for military use, shall be accountable for the articles so received by him, and shall not be honorably discharged from the service until he has returned to the adjutant general a receipt from his successor in command, or a proper accounting officer, for the articles issued upon his requisition, in good order and condition, reasonable use and wear thereof excepted, or shown to the adjutant general, by satisfactory proof, that any article not so accounted for has been properly expended in the service, or defaced, injured, lost or destroyed, without any default or neglect on his part, and if lost or wilfully defaced or destroyed, through the misconduct of any person, that reasonable efforts have been made by him to recover or prosecute for the same, and, in addition, he shall be liable to make good to the state all such property so defaced, injured, destroyed or lost by any neglect or default on his part, and for the recovery of which he has made no reasonable effort, and it shall be the duty of the adjutant general to enter suit on the bond of said officer, in the name of the state of Maryland, for the value of such property so defaced, injured, destroyed or lost, and the officer succeeding in command of the company shall, before being commissioned, be required to file a bond, to be approved as hereinbefore required, for the safe keeping and return of all military property of the state in the possession of said company.

Suit on bond.

Arms, &c.,
deposited in
armories.

21. All arms, equipments and military property of every description, which shall be furnished to the several companies under the provisions of this article, shall, when required by the commanding officer of the company, battery, battalion, squadron or regiment, be deposited in the armory of said company, battery, battalion, squadron or regiment, and the possession of any

article of such property by the person to whom it was issued, ten days after he shall have been notified by written notice by the commanding officer to return it to the armory, shall be punishable by a fine of not less ^{Fine.} than five nor more than fifteen dollars, to be collected as provided in the seventh section of this article.

22. Whoever shall wilfully or maliciously destroy, ^{Injuring, &c., uniforms, &c.} injure or deface any uniform or other article of military property belonging to the state, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding double the amount of the value of ^{Penalty.} such uniform or other property so injured or defaced, to be recovered on complaint of the commander of the company, to which such delinquent belongs, as provided in the preceding section, or by imprisonment in the city or county jail for not less than two weeks nor more than two months.

23. Whoever uses or wears, except upon public ^{Wearing uniform off parade, &c.} parades, or by special orders or permission, to be given in writing by his commanding officer, any uniform or part thereof, or other article of military property belonging to the state, shall be punished by a fine not exceeding twenty dollars, to be recovered ^{Fine.} as other fines under this article.

24. Whoever shall secrete, sell, dispose of, offer for ^{Selling, &c., uniforms, &c.} sale, or in any manner pawn or pledge, or receive in pawn or pledge, or buy any uniform, arms or equipments, or part or parts thereof, the property of the state of Maryland, shall be deemed guilty of misdemeanor, and shall, on conviction, be punished by imprisonment in the city or county jail for not less ^{Penalty.} than six months nor more than one year, or by a fine of not less than fifty dollars nor more than one hundred dollars, to be recovered as provided in the preceding sections.

25. Upon the disbandment of a volunteer company ^{Return of public property to adjutant general.} which has received uniforms, arms, equipments or military equipage from the adjutant general, in accordance with the provisions of this article, the commanding officer of such company shall be responsible for the safe

return to the custody of the adjutant general of all public property in possession of said company, and for any loss or damage thereto, compensation may be obtained either in an action of contract or suit upon the bond, and it shall be the duty of the adjutant general to take such legal proceedings in the name of the State.

Uniforms, &c.,
exempt from
distress, attach-
ment, &c.:
horses.

26. The uniforms, arms and accoutrements of the national guard shall be exempt from all seizures by way of distress, attachments, executions, or sales for debts or payment of taxes, and every mounted officer or any member of a troop or battery, who shall own a horse necessary for his use as such officer or member, shall hold the same with the like exemption.

Election of offi-
cers.

27. All field officers of regiments and battalions shall be elected by the ballots of the commissioned officers of the companies composing said regiments or battalions; all generals of brigades or divisions shall be elected by the ballot of the commanding officers of the regiments and battalions comprising said brigades or divisions; company officers shall be elected by the ballots of the members of their respective companies; the commissioned and non-commissioned staff shall be appointed by the commanding officer of the respective divisions, brigades, regiments, battalions or squadrons; non-commissioned officers of companies shall be appointed by the commanders of their respective companies; warrants for non-commissioned officers shall be issued by the regimental or battalion commanders.

Appointments.

Warrants.

Commissioned
officers.
Power of gov-
ernor.

28. The commissioned officers of the national guard shall be commissioned by the governor; but he may in his discretion withhold such commission in order to determine the qualification of the person for the office to which he shall have been elected or appointed, and if upon reference to an examining board, to be appointed as hereinafter provided, a general, field, staff or company officer shall be adjudged unqualified, another officer shall, within ten days after due notice given in writing to the adjutant general, to whom

the presiding officer of said board shall report, be elected or appointed as provided by this article, and in default of such election or appointment the vacancy shall be filled by the commander-in-chief.

29. The commander-in-chief may, from time to time, and at any time, appoint a military board of examiners of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualification, propriety of conduct and efficiency of any commissioned officer who may be reported to him as a fit subject for examination, and upon the report of such board, if adverse to such officer and approved by the commander-in-chief, the commission of such officer may be revoked; *provided* always, that if practicable, two members at least of such board shall be of military rank at least equal to that of the officer to be examined; the commander-in-chief may also, when in his opinion it is necessary, call boards of officers for settling military questions and for other purposes relative to good order and discipline. Board of examiners.
Proviso.

30. The commander-in-chief is authorized to order annually, in each district, one camp of instruction, for not less than two nor more than five days, and in case suitable ground cannot be found in the districts of the respective divisions, the same may be held in an adjoining district, but no ground shall be occupied in time of peace for an encampment without the consent of the owner; one division parade and inspection, and one parade by brigade, all of which shall constitute three law parades. The camp of instruction, for which may be substituted a parade and review, as also the other law parades, shall be ordered by the commander-in-chief. Camps of instruction.

31. The adjutant general may, with the consent of the commander-in-chief, authorize the commanding officers of such regiments, batteries, battalions, squadrons or companies organized under the provisions of this article, as he shall think fit, in the several military districts, to rent suitable and convenient places for armories and places of drill, and deposit and safe Armories.

keeping of such arms, uniforms, equipments and camp equipage, as shall be furnished said regiments batteries, battalions, squadrons or companies, *provided*, that the rent to be paid for each regiment shall not exceed the sum of eight hundred dollars per annum; for each battery, not to exceed the sum of eight hundred dollars; for each squadron, not to exceed the sum of three hundred dollars, or for each company the sum of two hundred dollars; and *provided*, that said payments for rents shall be chargeable only to the appropriations made by law for military purposes, and the accounts shall be audited and settled at the treasury as hereinbefore provided for contracts and expenditures for military purposes.

32. The commander-in-chief may order any portion of the national guard for escort and other duties.

33. When a battery of artillery belonging to the national guard is ordered out by the commander-in-chief, the adjutant general may authorize the commanding officer to provide horses to draw the field pieces and caissons.

34. Every commissioned officer, non-commissioned officer and private, before he enters upon his duties, or exercises any command, shall take and subscribe in such manner and before such person as the commander-in-chief may direct, the following oaths and declarations:

I, A. B., do solemnly swear (or affirm) that I will bear true allegiance to the state of Maryland, and will support the constitution thereof, so help me God.

I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me, according to the best of my abilities and understanding, agreeable to the rules and regulations of the constitution and the laws of the state of Maryland, so help me God.

I, A. B., do solemnly swear (or affirm) that I will support the constitution of the United States and the laws made in pursuance thereof, so help me God.

And the officer before whom the oath or affirmation Certificate. was made shall furnish a certificate to the party making the oath as follows:

This is to certify that A. B., commissioned as with-in, on this day of, A. D., personally appeared and made the oath (or affirmation) as required by the laws of this state and a law of the United States, to qualify him to discharge the duties of his office, before me.

35. Every officer, non-commissioned officer, or private Forfeitures. holden by law to do military duty in any company of the national guard, unnecessarily neglecting to appear at any law parade, shall forfeit and pay the sum of two dollars, to be collected as fines hereinbefore are provided to be collected.

36. The militia, when called into actual service, Pay and rations. shall be allowed the same pay and rations as the regular troops of the United States; and the rations when commuted shall be fixed by the regulations of the United States army in force at the time.

37. The organization now existing of the military Organization, &c., continued. into divisions, brigades, batteries, regiments, battalions, squadrons and companies, is hereby continued, and the commissions now held by the officers thereof shall continue in full force and effect; *provided*, that upon Proviso. examination as above prescribed, they can pass a satisfactory examination, Examination. but the same may be revoked as hereinbefore provided.

38. The military year shall commence on the first Military year. day of April, eighteen hundred and sixty-eight.

39. The military fund, as it is received from time Military fund. to time into the treasury, is hereby appropriated to Appropriations. carry into effect the provisions of this article, and a further sum not exceeding one hundred thousand dollars per annum, is hereby also appropriated for the said purpose, and no expenditures or contracts for expenditures shall be made for any military purposes whatever exceeding the appropriations provided by act of the general assembly.

In force and approved March 30, 1868.

1868, c. 425 entitled, an act to provide for the liquidation and settlement of claims heretofore contracted for arming, equipping and uniforming the militia, enacts:

1. That the comptroller be and he is hereby authorized and directed to receive and audit all claims and demands for arms or equipments, or uniforms heretofore furnished to the state, or the militia since the last session of the general assembly, on contract with an order by or request of the governor.

2. That each and every of such claims shall be verified by the oath or affirmation of the claimants, or his legal representative, or some other person in his behalf, and the comptroller is hereby authorized to examine under oath the said complainants and adjutant general, or any other person or persons he may see fit to examine touching the correctness of said claims.

3. That the said comptroller shall, as soon as may be after said claims are presented to him, pass upon and audit them, and allow for payment such as he may find correct and true, and shall draw his warrants upon the treasurer in favor of each claimant for the amount so found by said comptroller to be justly and truly due to said claimant, and said warrant shall be paid out of any money thereafter in the treasury not otherwise appropriated; provided the whole amount of said warrant shall not exceed three hundred thousand dollars.

In force and approved March 30, 1868.

1868, c. 436 authorizes the adjutant general to purchase for the use of Charlotte Hall School, sixty cadet muskets, or Enfield rifles, with accoutrements complete, and six officers' swords and belts, and enacts further:

That the trustees of Charlotte Hall School shall, upon the receipt of said arms, execute to the state of Maryland, a good and sufficient bond for the amount of the cost of said arms, for their safe keeping and return to the adjutant general whenever required by the legislature so to do.

That whenever the adjutant general shall present to the comptroller proper vouchers of the cost of said arms, said comptroller shall issue his warrant to the treasurer for such sum as may be necessary to cover the cost thereof, to be paid by the treasurer, provided the same do not exceed the sum of six hundred dollars.

In force and approved March 30, 1868.

ARTICLE LXIX.

Officers.

12. Officers of general assembly,

1868, c. 61 adds the following section to this article:

1868, c. 61.
Officers of
general assembly.

SEC. 12. Whenever the general assembly shall meet it shall not be necessary for any officer of the preceding general assembly to be present except the chief clerk, reading clerk and doorkeepers of the house of dele-

gates; and the secretary, assistant secretary and door-keeper of the senate; and payment of any other officer of a preceding general assembly than those herein enumerated is hereby forbidden.

Passed and approved February 26, 1868.

ARTICLE LXXI.

Oysters.

1. Licenses for boats, canoes, &c.
2. Duty of comptroller: time to catch oysters: proviso.
3. Licenses to residents of state: oath.
4. Rate of license: all oyster boats to be licensed.
5. Penalty: fine and forfeiture.
6. Application for license: duration of license.
7. What license to state: rates.
8. Oath of applicant of license: name or number: fine.
9. Blank licenses.
10. Taking oysters without license: penalty.
11. Who may arrest.
12. Warrant for arrest.
13. Avoiding arrest: seizure of canoe, &c.
14. Resisting arrest: penalty.
15. Where unlawful to take oysters: penalty: Somerset county.
16. Property condemned and sold: notice: division of proceeds: proviso.
17. Appeal: bond.
18. Jurisdiction: proceedings.
19. Seizure of boats of non-residents: sale.
20. Arrest without warrant.
21. Duty of oyster police.
22. Arrest of parties and seizure of boats, &c.: duty of justice.
23. Returns to commissioners of oyster police force.
24. Proceedings before justice: recognition: commitment: judgment.
25. Taking oysters on Sunday: penalty.
26. All moneys paid to treasurer: duty of comptroller.
27. Owners to have exclusive privilege, &c. proviso: owners to have priority: proviso.
28. Exclusive use of creek, &c.
29. Taking planted oysters: penalty.
30. States' portion of fines and forfeitures.
31. Number on mainsail: penalty.
32. Measure of oysters: proviso.
33. Measures, inspected and sealed: penalty.
34. Sworn measurers.
35. License to measurers.
36. Oath of measurers: cost of license.
37. Revenue.
38. Appropriation for purchase of vessels for police commissioners of state oyster police force.
39. Commander of oyster police force: misdemeanor.
40. Cruising: monthly reports: salaries: officers, &c.
41. Arms.
42. Rations.
43. Payment of officers and crew.
44. Dismissal of officers, &c.
45. Rules and regulations.
46. Death or disability of commanding officer.
47. Appropriation.
48. Repairs.
49. Oath of commanding officer: bond.
50. Dragging or dredging for oysters on Hoga and Nantlooke rivers above Roaring Point.
51. Forfeiture of canoe, &c.: sale: fine.

1868, c. 406 repeals 1867, c. 184 [Sup. 172] and enacts the following in lieu thereof, and repeals all laws inconsistent herewith:

SEC. 1. No owner, master, captain, hirer, borrower, ^{1868, c. 406, s. 2.} or employee of any owner or other person, shall use or ^{Licenses for boats, canoes, &c.} employ any canoe, boat or vessel of any kind or de-

scription whatever in taking or catching oysters for sale in the waters of this state, without having first obtained a license to so use or employ such canoe, boat or other vessel as hereinafter provided.

Ibid. s. 3.
Duty of comptroller.

2. The comptroller of the treasury shall, upon the application of any resident of the state of Maryland, being the owner of any boat or vessel licensed or enrolled in any custom house of the United States, in said state, issue to such resident license to catch or take oysters with scoop, drag, scrape, dredge or any other instrument, within the waters of the Chesapeake Bay, and to buy and sell oysters in the state, *provided*, that said license shall not authorize the taking or catching of oysters with scoop, scrape, drag or dredge between the first day of June and September in each year, which is hereby expressly forbidden; and *provided* also, that no steamboat or other vessel propelled by steam machinery, shall be used for taking or catching oysters in any of the waters of this state.

Proviso.

Time to catch.

Provisos.

Ibid. s. 4.
Licenses to residents of state.

Oath.

3. No license shall be issued to any person who has not been a resident of the state for twelve months next preceding such application, and the owner, or owners, and masters of such vessel when making application for such license, shall each make oath before the comptroller or his authorized clerk that they are *bona fide* owner and master of the boat or vessel to be described in the license for which they are applicants; that they have been residents of this state for the time hereinbefore mentioned, and that there is no lien on such vessel held by a non-resident, and such applicant shall produce before said comptroller or his authorized clerk, the custom house enrolment or license of such boat or or vessel under such rules and regulations as the said comptroller may have previously prescribed.

Ibid. s. 5.
Rate of license.

4. Every applicant before obtaining such license shall pay the comptroller or his authorized clerk, therefor, at the rate of three dollars per ton for every ton the boat or vessel for which he desires license, may measure according to its custom house enrolment or license; and it shall be the duty of every person thus obtaining license to exhibit the

same whenever called upon by any officer of the state of Maryland or other person authorized to demand the same; and every boat or vessel engaged in the oyster trade in any of the waters of this state, shall be licensed as required by law and be subject to all the provisions of the several sections of this article.

All oyster boats
to be licensed.

5. Any person who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any circuit court of this state, before whom such case is tried, shall be fined not less than fifty nor more than five hundred dollars, or forfeit the boat or vessel in possession of the party so offending, together with the papers, furniture and tackle on board of said boat or vessel at the time of her seizure, in the discretion of such justice of the peace or court, but said provisions shall not apply to masters or owners of boats or vessels from other states, who may buy oysters from any party or parties authorized by license to catch or take oysters in any of the waters of this state.

Ibid. s. 6.
Penalty.

Fine and for-
feiture.

6. Any resident of this state owning or having in his possession any canoe, or other small boat, and desiring to take or catch oysters with rakes or tongs in any of the waters of this state, shall first obtain by application to the clerk of the circuit court for the county wherein he may desire so to take or catch oysters, a license therefor, and such license shall have effect from first day of June in the year in which it may be obtained, to the first day of June next succeeding; *provided*, that such license shall not authorize the taking or catching of oysters in any creek, river, cove, inlet, bay or sound, within the limits of any county other than where the license may be granted.

Ibid. s. 7.
Applications
for license.

Duration of
license.

Proviso.

7. Each and every license to take or catch oysters with rakes or tongs, shall state the name and residence of the person to whom the same is to be granted, the name or number, together with the length of the canoe (said length to be obtained by top or overall measurement,) or other boat to be licensed, and the county in which the same is to be used, and the period at which

Ibid. s. 8.
What license to
state.

Rates.

said license will expire, and every applicant for such license shall pay to the clerk of the court, where such license may be granted, and before the issuing and delivery of the same according to the following rates, viz.: for every boat or canoe measuring in length twenty feet or less, the sum of four dollars; measuring from twenty to twenty-five feet, the sum of six dollars; measuring from twenty-five to thirty feet, the sum of eight dollars, and all over thirty feet in length, including sloops under custom house tonnage, the sum of ten dollars each.

Ibid. s. 9.
Oath of appli-
cant for license.

8. Every applicant for license to take or catch oysters with rakes or tongs, shall be required to make oath before the clerk authorized to issue the same, or some justice of the peace, upon whose certificate of the taking of such oath the clerk shall issue said license, that the facts set forth in said license are strictly true; that he is a *bona fide* resident of the county in which such application is made, and that he will obey and comply with all the provisions of the laws of this state regulating the taking or catching of oysters; and every person to whom such license may be granted, shall be required to paint the name or number of his canoe or other boat, on said boat, to correspond with said number, or name, in said license; and any person neglecting or refusing to comply with this provision, shall, on conviction thereof before a justice of the peace, pay a fine of not less than five dollars, nor more than ten dollars, one-half to be paid to the informer, and the residue to the comptroller of the treasury.

Name or num-
ber.

Fine.

Ibid. s. 10.
Blank licenses.

9. The comptroller of the treasury shall cause to be printed and delivered to the clerks of the circuit courts for the several counties, and the clerk of the court of common pleas of Baltimore city, the requisite number of such blank licenses, and take receipts for the same as for other licenses furnished, and the said clerks shall, on the first Monday in March, June, September and December in each year, return to the said comptroller a list and account of such licenses issued by them.

10. If any person shall take or catch oysters with rakes or tongs in any waters of this state without having first obtained license as required by the preceding sections of this law, except oysters taken for private use, he shall, upon conviction thereof before any justice of the peace for the county where the offence may be committed, be fined not less than twenty nor more than one hundred dollars, or forfeit the canoe or boat so used or employed, in the discretion of the justice before whom the same may be tried, one-half of said fine to be paid to the informer, and the residue to the comptroller of the treasury.

Ibid. s. 11.
Taking oysters
without license.

Penalty.

11. All owners and masters of canoes, boats or vessels licensed under this article, being white men, are hereby constituted officers of this state for the purpose of arresting and taking before any judge of any circuit court or justice of the peace, who shall have jurisdiction therein, any person or persons who may be engaged in violating any of the provisions of this article, and of seizing any canoe, boat or vessel engaged therein; and all such owners or masters are hereby vested with power to summon the *posse comitatus* to aid in making such arrest and seizure as fully as are constables and sheriffs of the several counties and the city of Baltimore.

Ibid. s. 12.
Who may
arrest.

12. Upon information given upon oath to any justice of the peace having jurisdiction, of any violation of any of the provisions of this article, the said justice of the peace shall issue his warrant for the arrest of the offender or offenders, and the seizure of the canoe, boat or vessel, together with the tackle and furniture on board, which warrant shall be directed to the sheriff or any constable of the county, or the owner or master of any canoe, boat or vessel licensed under this article.

Ibid. s. 13.
Warrant for
arrest.

13. If any person or persons on board any canoe, boat or vessel, engaged in violating any of the provisions of this article, shall flee to avoid arrest, the officer endeavoring to make such arrest, shall seize such canoe, boat, or vessel, and the same proceeding

Ibid. s. 14.
Avoiding
arrest.

Seizure of
canoe, &c.

shall thereupon be had as directed in all cases of seizure under other sections of this article.

Ibid. s. 15.
Resisting
arrest.

Penalty.

14. Any person resisting an officer or other person authorized to make arrest and seizure under this article, shall be guilty of a misdemeanor; and upon indictment and conviction thereof in any court of competent jurisdiction, shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail, where the offense may be tried, not less than one month nor more than one year.

Ibid. s. 16.
Where unlaw-
ful to take
oysters.

Penalty.

15. It shall be unlawful for any owner, master, employee or other person to use or employ any boat or vessel licensed under this article, to take or catch oysters with scoops, scrapes, drag or dredge, in taking or catching oysters in any river, creek, cove, inlet, bay or sound within the limits of any county of this state, or on any oyster bed, bar or rock, on or about Talley's Point, Sandy Point, Hackett's Point, Thomas' Point, the Three Sisters, Holland's Point Bar, Plum Point, and Parker's Creek on the western side of Chesapeake Bay, and Swan Point on the eastern side of said bay, and Eastern Bay, inside of a line drawn from Kent Point to Poplar Island, and any owner, master, employee or other person so offending, shall upon conviction thereof before any justice of the peace or judge of any circuit court for any county be subject to the same fines and penalties, and the boat or vessel so used or employed, be liable to seizure and forfeiture as provided in section six of this article, but this section nor any in this article shall be construed as a repeal of sections ninety-four to one hundred and one inclusive, of article nineteen of the Code of Public Local Laws for Somerset county, relating to oysters.

Somerset
county.

Ibid. s. 17.
Property con-
demned and
sold.

Notice.

16. All boats, vessels or other property condemned under the provisions of this article, shall be sold by the sheriff of the county where such boat, vessel or other property may be condemned at public sale, after giving twenty days' notice of the time and place of such sale by advertisement in one or more newspapers published in the county where such condemnation may be

made, but if the articles condemned be perishable in their character, then the notice may be shorter than twenty days at the discretion of the justice, and by such other notice as he may deem expedient, to the highest bidder therefor, for cash, and the proceeds of such sale or sales after deducting all the necessary and legal expenses of seizure, condemnation and sale, shall be divided as follows, to wit: one-fourth to the officer making the seizure, one-half of the balance to those aiding the officer to make such seizure, and the residue shall be paid to the state of Maryland; *provided*, that if such seizure shall be made by the officers and crew of the police force of the state, hereinafter provided for, then such portion as would accrue to them under the provisions of this section shall be paid into the treasury of this state.

Division of proceeds.

Proviso.

17. Any party or parties, against whom any justice of the peace may render a judgment under this article, either to pay a fine or of condemnation of property, may at any time within ten days from the rendition of such judgment, appeal from such judgment to the circuit court for any county, wherein the same may have been rendered, but no execution or sale shall be stayed, unless the party appealing shall give bond with surety to the state of Maryland, in double the value of the property condemned, or of the fine imposed, as the case may be, said security or securities to be resident or residents of the county in which the justice resides, and who shall swear or affirm that he or they are worth double the amount of the property condemned, and becomes surety for the same, with condition to prosecute such appeal with effect, and to pay the value of the property condemned, and fine imposed, and all costs attending such proceeding, in case such judgment shall be confirmed, and in all cases of appeal either party shall be entitled to trial by jury.

Ibid. s. 18. Appeal.

Bond.

18. Whenever any offense is committed under any of the provisions of this article, within the waters of the state, but not within the limits of any county, then any justice of the peace or the circuit court for any

Ibid. s. 19. Jurisdiction.

Proceedings.

county, as the case may be, most convenient of access, from the place where the offense may be committed, shall have jurisdiction thereof; and all proceedings, whether before a justice of the peace, or before the circuit court for any county, shall be in the name of the state, and if the party or parties accused shall be acquitted, the comptroller of the state shall pay the cost out of the fund created by this article.

Ibid. s. 20.
Seizure of boats
of non-resi-
dents.

19. Any boat or vessel, owned either wholly or in part by any non-resident of this state, which may be used or employed by any resident or non-resident of this state in taking or catching oysters, in any of the waters of this state, with scoop, scrape, drag or dredge, shall be liable to seizure and forfeiture, and upon conviction thereof by any justice of the peace, or in any circuit court of any county, or the court of common pleas of the city of Baltimore, shall be condemned to be sold in the same manner and upon the same terms, and the proceeds of such sale or sales shall be disposed of as hereinbefore provided in section sixteenth of this article.

Sale.

Ibid. s. 21.
Arrest without
warrant.

20. It shall be the duty of any sheriff, constable, or other officer created under this article, with or without warrant, to arrest any person or persons, and to seize and take into custody any canoe, boat or vessel, whenever and wherever such person or persons, canoe, boat or vessel, shall be found violating or being used in violating any of the provisions of this article, and bring the offender or offenders before the justice of the peace or judge of a circuit court most convenient or accessible to be dealt with as herein provided.

Ibid. s. 22.
Duty of oyster
police.

21. It shall be the duty of the officer in charge of the oyster police of the state, hereinafter provided for, to cause the vessel under his command to cruise daily (unless the condition of said vessel or the inclemency of the weather prevent) in any of the waters of this state, to overhaul and examine the licenses of all boats or vessels engaged in taking or catching oysters in the state, and to arrest all persons who may be found violating, or who may have been guilty of any violation

of any of the provisions of this article, and to seize all boats or vessels, with their tackle and furniture, which may be found on board such boats or vessels so engaged, used or employed in violating said provisions, and the said officer so commissioned shall have power to summon to his aid such number of persons as may, in his judgment, be necessary and proper for the safe execution of his commission.

22. It shall be the duty of any officer having charge of or commanding such vessel, to take the person or persons so arrested, and the boat or boats, vessel or vessels, and other property so seized, into his custody, and cause the said person or persons to be taken before some justice of the peace for the county wherein the offense may have been committed; and if the offense shall have been committed outside of the limits of any county, then to take the said person or persons before some justice of the peace of the county most convenient or accessible from the place where such offense shall have been committed; and it shall be the duty of the justice of the peace before whom such person or persons shall have been taken by said officer, to take cognizance of the same and docket a case or cases in the name of the state against such person or persons, and the said boat or vessel, and the said justice shall proceed to try the same and render judgment as provided by this article.

Ibid. s. 23.
Arrest of parties and seizure of boats, &c.

Duty of justice.

23. It shall be the duty of the officer alluded to in section twenty-one of this article, to return to the commissioners of the oyster police force, at the expiration of every month, a full and particular account of his proceedings.

Ibid. s. 24.
Returns to commissioners of oyster police force.

24. In all cases arising under this article, the justice of the peace before whom any person or persons may be brought, shall proceed to docket a case or cases in the name of the state against the person or persons so charged, and also against the boat or vessel employed or used, and shall proceed immediately to try the same, unless the party or parties so charged shall state, upon oath, that further time is necessary to enable him or

Ibid. s. 25.
Proceedings before justice.

Recognizance.

Commitment.

Judgment.

Ibid. s. 26.
Taking oysters
on Sunday.

Penalty.

Ibid. s. 27.
All moneys
paid to treas-
urer.

Duty of com-
ptroller.

them to prepare for his or their defense, and to procure attendance of witnesses, in which case the said justice shall point a certain day for the trial of the same, and shall cause the said party or parties to enter into recognizance with sureties approved by said justice, in a sum not less than five hundred dollars, for his or their appearance on said day; said security or securities to be resident or residents of the county in which the justice resides, and shall swear or affirm that he or they are worth double the amount of the recognizance required, and in default thereof may commit the said party or parties to jail; and if upon said trial it shall appear to the satisfaction of said justice that any violation of this article has been committed by the party or parties, and that said boat or vessel has been used or employed in said violation of this article or any of its provisions, the said justice shall render a judgment of condemnation against the said boat or vessel, her tackle and furniture on board at the time of her seizure, or fine the said party or parties at his discretion as hereinbefore provided.

25. It shall be unlawful for any person or persons licensed under any of the provisions of this article to take or catch oysters on Sunday, and any person or persons so offending shall be liable to indictment for a misdemeanor in any court having criminal jurisdiction in the state, and upon conviction thereof shall be fined a sum not less than fifty nor more than two hundred dollars, or be imprisoned not less than twenty nor more than sixty days, in the discretion of the judge trying the same.

26. All moneys arising from the sale of licenses, or from fines, penalties and forfeitures imposed under this article, shall, by the comptroller, be paid into the treasury, and placed to the credit of the oyster fund, and the comptroller is hereby required to state in his annual report, particularly, the receipts and expenditures on account of said fund, and the balance standing to the credit of the state at the time of making such report.

27. The owner or owners of any land bordering on any of the navigable waters of this state, the lines of which extend into and are covered by the said waters, shall have the exclusive privilege of using the same for protecting, sowing, bedding or depositing oysters or other shell fish within the lines of their own land, and any owner or owners of land lying and bordering upon any of the waters of this state, shall have power to locate and appropriate in any of the waters adjoining his, her or their land five acres for the purpose of preserving, depositing, bedding or sowing oysters or other shell fish, and that any other citizen of the state shall have power to locate and appropriate five acres in any waters in said state, not located or appropriated, *pro-* Ibid. s. 28.
Owners to have
exclusive privi-
lege, &c.
vided, that ten days' notice in writing shall be given the owner or owners, occupant or occupants of lands, bordering on said water proposed to be located. The owner or owners, occupant or occupants may have pri- Proviso.
Owners to have
priority.
ority of claim, and if they shall fail to locate or appropriate the water mentioned in said notice within ten days after receiving the same, then it shall be open and free to any one under the provisions of this section; *provided*, also, that the said location or appropri- Proviso.
ation shall be described by stakes, bushes or other proper and visible marks, or metes and bounds, which description shall be reduced to writing, under the oath of some competent surveyor, and recorded at the expense of the party locating or appropriating the same, in the office of the clerk of the circuit court for the county wherein such land may be located; and *pro-* Proviso.
vided, also, that such location and appropriation shall not injure, obstruct or impede the free navigation of such waters; *provided*, that no natural bar or bed of Proviso.
oysters shall be so located or appropriated.

28. If any creek, cove or inlet not exceeding one hundred yards in breadth at its mouth make into the land or lands, or if any creek, cove or inlet of greater width than one hundred yards make into the land or lands, the owner or owners, or other lawful occupant or occupants shall have the exclusive right to use such Ibid. s. 29.
Exclusive use
of creek, &c.

creek, cove or inlet, when the mouth of said creek, cove or inlet is one hundred yards or less in width, and when the said creek, cove or inlet is more than one hundred yards in width at its mouth, the said owner or owners or other lawful occupant or occupants, shall have exclusive right to use such creek, cove or inlet so soon as said creek, cove or inlet in making into said land or lands, shall become one hundred yards in width, for preserving, depositing, bedding or sowing oysters or other shell fish, although such creek, cove or inlet may not be included in the lines of any patent.

Ibid. s. 30.
Taking planted
oysters.

29. If any person who shall take with a drag, dredge, scoop, scrape, rakes or tongs, or any instrument whatever, any oysters or other shell fish imbedded, planted or sown in accordance with the provisions of sections twenty-seventh and twenty-eighth of this article, or shall carry, or attempt to carry the same away, shall be deemed guilty of a felony and be liable to indictment, and on conviction thereof in any court in this state having criminal jurisdiction, shall be sentenced by the judge of such court to the penitentiary for a term not exceeding five years and not less than one year.

Penalty.

Ibid. s. 31.
State's portion
of fines and
forfeitures.

30. The state's portion of all fines and forfeitures accruing under this article, shall be paid by the sheriff or other officer collecting the same, to the clerk of the circuit court of the county, or the clerk of court of common pleas of the city of Baltimore, where such fine or forfeiture may accrue, and such clerk shall account for the same to the comptroller of the treasury in his quarterly returns.

Ibid. s. 32.
Number on
mainsail.

31. All licenses to take or catch oysters with scoops, scrapes, drags or dredge in the waters of the Chesapeake Bay shall be numbered, and the owner or master of every boat or vessel so licensed shall be required to have or cause to be printed on the fore or main sail of such boat or vessel, above the reefing point or upon a white flag, to be displayed upon some prominent part of said vessel, at least six feet above the deck, the

number corresponding with the number on such license, such number to be printed in black figure or figures, not less than one foot in length and of proportionate width, and which number shall always be exposed to view when dredging, and any person or persons caught taking or catching oysters with scoop, scrape, drag or dredge in any of the waters of this state, without having complied with this provision, shall, upon conviction thereof by any justice of the peace of this state, be fined not less than fifty nor more than one hundred dollars, one-half of such fine to be paid to the informer and the balance to the state, unless such informer be a paid officer of the state as provided for in this article. Penalty.

32. All oysters in the shell disposed of in the state of Maryland, shall be measured in a sealed measure of any capacity, from half a bushel to twenty-five bushels, that may be agreed upon between the seller and purchaser; *provided*, that said measure or measures shall contain in quantity for each bushel thereof, according to the following dimensions, that is to say, sixteen and a half inches across from inside to inside at the bottom, eighteen inches across from inside to inside at the top, and twenty-one inches diagonal from the inside chime to the top, and the same shall be even or struck measure. Ibid. s. 33. Measure of oysters.

33. It shall be the duty of the purchaser or seller to have said measure or measures, duly inspected and sealed by the proper officers, under a forfeit of fifty dollars for each and every offense, to be recovered before any justice of the peace, by action of debt in the name of the state of Maryland, one-half to go to the informer, and the other half to the use of the state. Ibid. s. 34. Measures, inspected or sealed. Penalty.

34. All oysters sold in the city of Baltimore shall be measured by a sworn measurer, who shall receive for his services one cent per bushel, to be paid equally by the purchaser and seller. Ibid. s. 35. Sworn measurers.

35. The sworn measurers as aforesaid shall take out a license to authorize them to measure said oysters, from the clerk of the court of common pleas in the city of Baltimore. Ibid. s. 36. License to measurers.

Ibid. s. 37.
Oath of meas-
urers.

36. They shall make oath before said clerk, that they will faithfully and impartially discharge the duties of measurer of oysters, as between purchaser and seller thereof, and shall pay the sum of fifty dollars for said license, and the further sum of fifty cents to said clerk for issuing the same.

Cost of license.

Ibid. s. 38.
Revenue.

37. The revenue arising from the sale of said licenses shall be paid to the comptroller of the treasury to be placed to the credit of the oyster fund.

Ibid. s. 39.
Appropriation
for purchase
of vessels for
police.

38. The sum of twenty-two thousand dollars is hereby appropriated to purchase a suitable steam vessel and two tenders to be propelled by steam, sails, oars or otherwise, at the discretion of the commissioners hereinafter named, said vessel and tenders not to exceed in cost this appropriation, and to arm and equip the same for the service hereinafter specified, to be styled the state oyster police force, and the governor, treasurer, comptroller, superintendent of labor and agriculture, and the clerk of the court of appeals shall constitute a board to be styled the commissioners of the state oyster police force, and they are directed to purchase, arm and equip said steam vessel and tenders, and the treasurer of the state, upon the requisition of said commissioners, and the warrant of the comptroller is hereby directed to pay the sum or sums necessary, not exceeding this and any other appropriation hereinafter mentioned for the purposes herein specified.

Commissioners
of state oyster
police force.

Ibid. s. 40.
Commander of
oyster police
force.

39. The board of commissioners of the state oyster police force, shall have power to appoint a suitable person to command said force, whose term of office shall be for two years unless sooner removed for incompetency or neglect of duty, and if said officer shall fail to discharge his duty; by reason of collusion with those interested in evading the law, he shall upon presentment, indictment and conviction, in a court of law, be deemed guilty of a misdemeanor and fined, or imprisoned or both at the discretion of the court.

Misdemeanor.

Ibid. s. 41.
Cruising.

40. The commanding officer of said force is hereby required to keep his vessel constantly cruising, when circumstances will permit, wherever opposition to the

oyster law has arisen, or is likely to arise, within the boundaries of the state, and every locality where a violation of the law exists or is likely to arise, shall be visited as often as the duties of the force and the condition of the vessels will permit, and a monthly report shall be made to the commissioners of all official action taken under the law, and a strict and careful journal kept of all duties performed, and the circumstances connected therewith. The salary of the chief officer shall be twenty-five hundred dollars per annum, which shall be paid to him monthly by the treasurer upon the warrant of the comptroller, and he shall have power to appoint one chief mate at twelve hundred dollars per annum, and who shall be a pilot; one second mate at six hundred dollars per annum; one chief engineer at twelve hundred dollars per annum; one assistant engineer at nine hundred dollars per annum; three men to act as firemen and coal heavers at twenty-five dollars per month each; one steward and one cook at twenty-five dollars per month each, and as many seamen as the above commissioners may deem necessary, at twenty dollars per month.

Monthly reports.

Salaries.

Officers, &c.

41. Said commissioners are empowered and directed to purchase such arms and ammunition as shall be necessary to carry into effect the duties devolved upon said oyster police force.

Ibid. s. 42.
Arms.

42. The officers and crew aforesaid shall each receive one ration per day, in quality and quantity such as is allowed by law to the officers and crew of the revenue marine of the United States.

Ibid. s. 43.
Rations.

43. The officers and crew aforesaid shall be paid by the treasurer upon the warrant of the comptroller, and the certificate of the commanding officer that their duty has been performed as required by law.

Ibid. s. 44.
Payment of officers and crew.

44. The commanding officer shall have authority to dismiss from said service any officer or other person under his command whenever, in his judgment, the interest of said service may require him to do so.

Ibid. s. 45.
Dismissal of officers, &c.

45. The commanding officer aforesaid is hereby empowered to prescribe rules and regulations for the dis-

Ibid. s. 46.
Rules and regulations.

cipline of said oyster police force, which shall be submitted to the commissioners aforesaid for their consideration, and when duly approved by them, shall have the force of law and be binding upon the officers and crew of said force.

Ibid. s. 47.
Death or disability of commanding officer.

46. In case of the death or permanent disability of the commanding officer aforesaid, the commissioners aforesaid shall have authority to fill the vacancy.

Ibid. s. 48.
Appropriation.

47. To enable the said commissioners to equip and put into service the oyster police force, the sum of eight thousand dollars, or so much thereof as may be deemed necessary, in addition to the sum of twenty-two thousand dollars hereinbefore mentioned, is hereby appropriated, which shall be paid by the treasurer, upon the requisition of said commissioners and the warrant of the comptroller.

Ibid. s. 49.
Repairs.

48. The board of commissioners shall have power to keep the said steamer and tender in suitable repair; and the treasurer of the state, upon the requisition of said commissioners and the warrant of the comptroller, is hereby directed to pay the sum or sums necessary to carry out the provisions of this section.

Ibid. s. 50.
Oath of commanding officer.
Bond.

49. The commanding officer of said force shall, before entering upon the discharge of his duties, take before the judge of one of the circuit courts, the oath prescribed by the constitution, and shall enter into bond to the state of Maryland in the sum of twenty thousand dollars, to be approved by said judge, for the faithful performance of his duties, as prescribed in this article.

Passed and approved March 30, 1868.

1868, c. 228 enacts the following:

1868, c. 228, s. 1.
Dragging or dredging for oysters on Honga and Nanticoke rivers above Roaring Point, in Dorchester county, &c.

50. It shall not be lawful for any person or persons to take or catch oysters with rakes, drags or dredge within the waters of the Honga river in Dorchester county, nor in the Nanticoke river at or above Roaring Point in Dorchester and Wicomico counties, in quantities over five bushels in any one day during the

three summer months, June, July and August by any canoe, boat or vessel.

51. Any person or persons violating the foregoing section shall forfeit his canoe, boat or vessel; and it shall be lawful for any justice of the peace of the county of Dorchester or of Wicomico county to try such person or persons, and if found guilty of a violation of the first section of this act may condemn said canoe, boat and vessel and sell the same on five days' notice, and fine the said offender or offenders a sum not less than five nor more than twenty dollars for each and every offence, and said justice of the peace shall pay over said fines and forfeitures to the school board of said counties to be used in building and repairing school houses in the county where the justice of the peace resides.

^{Ibid. s. 2.}
Forfeiture of
canoe, &c.

^{Sale.}

^{Fine.}

Passed and approved March 28, 1868.

ARTICLE LXXIII.

Penitentiary.

3. Warden, his appointment and removal.
9. Salary: fuel.

16. Powers of directors: proviso: contracts.
17. Bond.
87. Duty of warden and clerk.

1868, c. 97 repeals sections 3, 9, 16, 17 and 87 of this article and substitutes the following therefor:

SEC. 3. The directors of the Maryland Penitentiary shall annually appoint at their regular stated meeting in the month of May a warden for the penitentiary, who shall serve for one year or until the stated meeting of the board of directors, to be held in the month of May of the year succeeding his election, or in the contingency of the failure or omission of the board to make an appointment at the time aforesaid to serve until his successor shall be chosen. He may be removed from

^{1868, c. 97.}
Warden.

^{Appointment.}

^{Removal.}

office at any stated or special meeting of the board, whenever in the judgment of the directors the public interest may require such removal, and in the event of the office becoming vacant by removal, death or resignation, the directors aforesaid shall make a new appointment for the unexpired term of the late incumbent.

Salary of warden.

9. The warden shall receive a salary at the rate of two thousand dollars per year, and shall be allowed the occupancy of such parts of the front buildings as a dwelling as are not used for the purposes of the penitentiary, and all necessary out-houses, yards and grounds not within the walls of the prison proper. He shall also be allowed such fuel as may be necessary for his private use in the building aforesaid, but shall receive no other pay, emoluments or perquisite for his services.

Fuel.

Powers of directors.

16. The directors shall have the control and management of the financial affairs of the institution, and no bill against the same shall be paid until it has been certified by the president of the board or by the monthly committee, nor shall any promissory note of the institution be issued unless the same shall have been so directed by the board at a stated or special meeting thereof. They shall direct the making of all repairs and improvements in the buildings and on the premises. They shall make or direct to be made purchases of all materials and supplies, including fuel, food, clothing, hospital stores, bedding, furniture, and all other articles necessary for the use of the institution; *provided*, that no contract for fuel or such supplies as may be necessary or expedient to enter into a yearly contract for, shall be made by them, unless they shall have first given one week's public notice in two or more of the daily papers of Baltimore city, inviting proposals and setting forth the quantity and quality of supplies required, and the time within which proposals for such supplies shall be made, and they shall accept such proposals as may in their opinion under all the circumstances be most advantageous to the institution.

Proviso.

Contracts.

17. The party with whom any contract may be ^{Bond.} made under the provisions of the foregoing section shall enter into bond with security approved by the board of directors, and which security shall not be a party or parties in anywise officially connected with the penitentiary,) in double the amount of the estimated contract, conditioned for the faithful performance thereof, and it shall be the duty of the directors, at a board meeting, to rescind any contract as soon as there shall be a failure to comply therewith, and they shall direct at their discretion a suit on said bond for damages sustained by reason of the said non-compliance.

87. The warden shall have the superintendence of ^{Duty of warden and clerk.} the financial and manufacturing operations of the institution, and it shall be his special duty to see that the clerk shall make regular and proper entries of the receipts and disbursements thereof.

In force and approved March 3, 1868.

ARTICLE LXXIV.

Pilots.

21. Charges. 25. How paid, if taken to sea: quarantine.

1868, c. 115 repeals sections 21 and 25 of this article and re-enacts and amends the same so as to read as follows:

SEC. 21. No pilot shall charge or receive any greater ^{1868, c. 115. Charges.} or less reward or compensation for his services as such, than as follows: for every vessel inward bound to Baltimore or from Baltimore to sea, drawing fifteen feet water or over, five dollars for each foot of water she may draw; for every vessel drawing twelve feet water, and not exceeding fifteen feet, four dollars for each foot she may draw; for all vessels drawing less than twelve

feet water, three dollars and fifty cents for each foot she may draw, which rates shall apply to vessels to or from Georgetown.

Paid if taken to sea.

25. If any master of any vessel shall carry any licensed pilot to sea against his inclination, he shall pay the said pilot, if said vessel be of over twelve feet draught, one hundred dollars per month, until said pilot's return or death; if said vessel be of over nine feet and not over twelve feet draught, eighty dollars a month, until said pilot's return or death; if said vessel be of nine feet draft or under, sixty-six dollars and sixty-six and two-thirds cents per month, until such pilot's return or death; and for every day's detention at quarantine, by order of the health officers, three dollars per day for every day of such detention.

Quarantine.

In force and approved March 7, 1868.

ARTICLE LXXV.

Pleading, Practice and Process.

PRACTICE.

1. Questions reserved for court in banc: election: appeal: time: proviso.
2. Form or exceptions.
3. Proceedings on removal.

REMOVAL OF CAUSES.

74. When causes may be removed and how: proceedings: proviso.
75. Further removal.
76. Power of judges: special panel.
77. Time of removal in criminal cases.
78. Compensation to state's attorney.

PRACTICE.

1868, c. 441 entitled an act to regulate the decisions of points and questions reserved for courts in banc as provided by sec. 22 of art. 4 of the constitution enacts the following:

1868, c. 441, s. 1.
Questions reserved for court in banc.

SEC. 1. When at the trial of any cause any party to such cause shall require any point or question decided by the court to be reserved for the consideration of the

court in *banc*, and either of the judges of the said court shall be disqualified to sit in such cause, then it shall be lawful for the party at whose instance the point or question shall be reserved, to elect to have Election. such point or question decided by the remaining judges or judge who may be qualified to sit in such cause, or to have the cause removed to some other court of a different circuit for the decision of the judges thereof, or of such of said judges who may be qualified to sit in such cause in *banc*, or to take an appeal Appeal. to the court of appeals; and if such party or his counsel shall fail to make and file such election in writing within thirty days after the announcement of such disqualification, or within thirty days after the trial Time. of the cause in case such announcement shall have been made before the trial, then such point or question shall be decided by the remaining judges or judge who may be qualified to sit in such cause; *provided*, that every point or question reserved upon Proviso. a motion for a new trial shall be decided by the remaining judges or judge who may be qualified to sit in such cause.

2. Points or questions reserved for the court in *banc* shall be taken by means of exceptions, to be reduced to writing, and signed and sealed by the judges or judge before whom the cause may be tried, and so framed that the point or question may be fully presented as to both law and fact, in the case the cause shall be transmitted to the court of appeals instead of being heard by the court in *banc*. Ibid. s. 2.
Form of exceptions.

3. Whenever any cause shall be removed to any other court upon a point or question reserved for the court in *banc*, as herein provided, the said cause shall remain in the said court for trial as if the same had originated therein. Ibid. s. 3.
Proceedings on removal.

In force and approved March 30, 1868.

REMOVAL OF CAUSES.

1868, c. 180 repeals sections 74, 75, 76, 77 and 78 of this article as amended by 1865, c. 187 [Sup. 188] and substitutes the following sections therefor:

1868, c. 180.
When causes
may be re-
moved, and
how.

74. In all suits or actions at law, issues from the orphan's court, or other courts sitting in equity, and in all presentments or indictments now pending, or which may be pending at the time of the passage of this act, or which may be hereafter instituted in any of the courts of this state, except the court of appeals, having jurisdiction thereof, the judge or judges thereof, upon suggestion in writing, if made by the state's attorney, or the prosecutor for the state, or upon suggestion in writing supported by affidavit made by any of the parties thereto, or whenever any party to such cause or the counsel of any party shall, by other proper evidence, make it satisfactorily appear to the court such party cannot have a fair and impartial trial in the court in which such suit or action, issue or petition, presentment or indictment is pending, or when the judges of said court shall be disqualified under the provisions of the constitution to sit in any such suit, action, issue or petition, presentment or indictment, shall order and direct the record of proceedings in such suit, action, issue or petition, presentment or indictment, to be transmitted to some other court, and of a different circuit, if the party applying shall so elect, having jurisdiction in such cases, which said court shall hear and determine the same in like manner as if such suit or action, issue or petition, presentment or indictment had been originally instituted therein; *provided*, that such suggestion shall be made before or during the time at which the issue or issues may be joined in said suit or action, issues, petition, presentment or indictment, unless the party or parties applying for such removal shall, in addition to such affidavits as have herein already been provided for, further state under oath, that he, she or they had come to such belief, or been convinced of that fact since the issue or issues in

Proceedings.

Proviso.

said cause had been made, upon which additional statements being made and filed, the cause shall be removed, notwithstanding the issues had been made up.

75. When any suit or action, issues, petitions, presentment or indictments shall be removed according to the provisions of the preceding section, it shall and may be lawful for the party at whose instance the said suit or action, issues or petition, presentment or indictment was not removed, if he, she or they shall think that justice cannot be done him, her or them in said court to which said suit or action, issues or petition, presentment or indictment has been removed, to file an affidavit as prescribed by the preceding section in said court to which said removal is ordered, suggesting that he, she or they cannot have justice in such court, whereupon the said court shall remove the said cause, suit or action, issues or petition, presentment or indictment, to such other court (and of a different circuit if the party applying shall so elect) having jurisdiction in such cases as the said court shall think will best tend to justice between the parties to the said suit or action, issues or petition, presentment or indictment.

Further removal.

76. It shall be in the power and discretion of the judge or judges, should he or they think it proper, to cause a special panel of forty-eight jurors to be selected by the sheriff from the community at large to try any cause or causes removed under the preceding sections of this act, and the court shall direct the clerk thereof to divide by ballot said number of jurors into two panels of petit jurors, and may take such order for regulating the attendance of said panels as the said court shall see fit, and the said court may direct talesmen to be summoned in said cause or causes whenever necessary.

Power of judges.

Special panel.

77. In all criminal cases removed as aforesaid, where the party or parties to be tried therein are detained in jail, the party or parties so detained shall not be removed until the first day of the session of the court to which said case shall be removed.

Time of removal in criminal cases.

78. The judge or judges of any of the said circuit courts to which any cause or causes may be removed

Compensation to state's attorney.

under the preceding sections, shall allow such compensation, not exceeding the sum of forty dollars in any one case, to the state's attorney, for his services in appearing to or trying said cause or causes, as the said judge or judges may deem just and proper, to be borne and paid by the county, from which said cause or causes may be removed, or by the city of Baltimore as the case may be.

In force and approved March 28, 1868.

ARTICLE —.

Publication of Laws.

1. When public general laws to be published: newspapers.

5. Payment to newspaper publishers.

1868, c. 440 repeals 1865, c. 31, s. 1 [Sup. 234] and amends and re-enacts the same as follows:

1868, c. 440.
When public
general laws to
be published.

Newspapers.

German.

SEC. 1. Every public general law which is made to take effect before the first day of June next after the session at which it may be passed, shall immediately after its passage be published, at the expense of the state, daily for one week in two daily newspapers of the city of Baltimore, one of which shall be printed in the German language, and one newspaper in each county having the largest circulation, if there be a newspaper published in said county.

Passed and approved March 30, 1868.

1868, c. 67 amends 1865, c. 31 [Sup. 235] by adding thereto the following:

1868, c. 67.
Payment to
newspaper pub-
lishers.

5. The treasurer, upon the warrant of the comptroller, shall pay to the publishers of the newspapers in which the public general laws are printed in conformity with the first section of this article, the compensation to which they may respectively be entitled for printing said general laws, within six months from the time of publication.

In force and approved February 26, 1868.

ARTICLE —.

Public Education.**TITLE I.—SUPERVISION.****CHAPTER I.**

1. Board of county school Commissioners.
2. School district boards.

CHAPTER II.

How Officers are Designated and Removed.

COUNTY BOARDS.

1. How composed and elected.
2. Trustees.

CHAPTER III.

County School Commissioners.

1. How schools designated: sessions of county board: property, &c., vested in county board: proviso.
2. Powers of county board: county examiner.
3. Treasurer: bond: his duties.
4. State school fund: tax by county commissioners: county high school, &c.
5. Voters of county to decide: proviso: notice: ballots: duties of judges of election, of clerk of court: county commissioners.
6. Division of county into school districts: proviso: boundaries: notice: revision or alteration.
7. Character of teachers: power of county board.
8. Reports of teachers.
9. How pupils distributed: proviso.
10. Financial statements to be published.

CHAPTER IV.

The Board of School House District Trustees.

1. Electing trustees, &c.: notice.
2. Powers of school district board: teachers.
3. Plan of school houses.
4. Out-buildings.
5. How school houses to be used.
6. New districts: proviso.

CHAPTER V.

School House Sites.

1. District board to elect sites.
2. Gift, &c., of sites: title.
3. Condemnation for sites: writ, ad quod damnum: inquisition confirmed, &c.
4. Cost of sites.

CHAPTER VI.

Schools.

1. How long schools kept open: free to whites.

2. What taught.
3. Additional teachers.
4. Public examination.
5. Hours.
6. Disturbing school: penalty.
7. School year: proviso: vacation and holidays: accounts.

CHAPTER VII.

1. Certificate of teacher.
2. Appointment and removal of teachers.
3. Returns of teachers: payment: reports to be filed.
4. Teachers' salaries.

CHAPTER VIII.

Pupils.

1. Who to be admitted: proviso.
2. Expelling, &c., pupils.
3. Attendance in adjoining district.
4. Certificate of vaccination.

CHAPTER IX.

Text Books.

1. Sectarian or partisan books.
2. Purchase of text books, &c.
3. Books and stationery: proviso: payment for books.
4. Accounts of books, &c.
6. Exhibit of cost, &c., of text books to be published.

TITLE II.—MODES OF SECURING COMPETENT TEACHERS.**CHAPTER I.**

Examination of Teachers.

1. County examiner: certificate.
2. How certificates to be issued: grades.
3. Age of teacher.
4. How long certificate in force.
5. Examination of teachers.
6. County examiner to visit schools: other duties: compensation.

CHAPTER II.

State Normal School.

1. Where located and its objects: trustees of the Maryland state normal school: treasurer: bond: principal, &c.
2. Sessions, normal school, where held.
3. Faculty: property to vest in principal.
4. Sessions of school.
5. Students.
6. Additional students: proviso.
7. Course of study: teachers' salaries.
8. Appropriation: how applied.

9. Donations or bequests.
10. Military tactics.
11. Arms, &c.
12. General supervision by principal.
13. Report by principal to governor.
14. Report to be printed.

CHAPTER III.

Aids and Encouragement to Education.

1. School journal.

CHAPTER IV.

Teachers' Associations.

1. Associations.
2. Duty of county examiner.
3. Where associations held.

CHAPTER V.

Teachers' Institutes.

1. Where and when to be held.
2. Meetings of institute.
3. Principal to preside.
4. Place of meeting.

CHAPTER VI.

District Libraries.

1. Appropriation, &c., for libraries.

CHAPTER VII.

The City of Baltimore.

1. Mayor, &c., to establish schools in said city: powers.
2. Powers of commissioners of public schools: proviso: report to principal.

3. Ordinances by mayor, &c.
4. Taxes.

CHAPTER VIII.

High Schools.

1. Taxes for purchase of sites, &c.: powers of trustees.
2. Union of boards.
3. High schools, how governed.
4. Funds for building: proviso.
5. Title and repair of buildings: under what control.
6. High schools to be visited and examined.
7. Report of principal of high school.
8. Military tactics.
9. Joint board.

CHAPTER IX.

Colored Population.

1. Schools for colored children.

CHAPTER X.

Sources of Income.

1. State tax: distribution of fund: census of Wicomico county.
2. Payment of free school fund.
3. Donations to colleges, &c.
4. Real and personal estate granted, &c., exempt from taxes.
5. Money invested: exempt for taxes.
6. Duty of comptroller: apportionment.
7. Time of apportionment: payment: proviso.
8. Abatements, &c.

1868, c. 407 entitled an act to add a new article to the Code of Public General Laws to be entitled Public Education, providing a general system of free public schools for the state of Maryland, and to repeal all laws inconsistent therewith, enacts the following and repeals all the sections of the several articles of the Code of Public General and Local Laws relating to schools, inconsistent with the provisions of this act, and all acts of assembly passed since the adoption of said volumes of the Code, relating to schools, inconsistent with the provisions of this act, and provides that there shall be throughout the state of Maryland a general system of free public schools, according to the provisions of this act. It further provides that this act shall be added to the Code of Public General Laws under the title, Public Education, and repeals all existing laws inconsistent herewith [Sup. 191:]

TITLE I.—SUPERVISION.

CHAPTER I.

Board of county
school commis-
sioners.

SEC. 1. Educational matters affecting a county shall be under the control of a board of county school commissioners, one of whom shall be chosen as the presi-

dent of said board, and a person not a member of said board shall be elected to serve as secretary and treasurer.

2. And school district boards composed of three persons, one of whom shall be the school commissioner of the election district in which the school house is situate.

School district boards.

CHAPTER II.

How Officers are Designated and Removed.

COUNTY BOARDS.

SEC. 1. The board of county school commissioners shall be composed of one commissioner for each election district, to be elected by the people thereof at each general election for members of the general assembly; to serve for two years from the first day of January next succeeding said election, and until their successors shall qualify and for the time intervening from the passage of this article until the first of January next succeeding the next general election, said school commissioners shall be appointed by the county commissioners of the respective counties.

County boards, how composed and elected.

2. The two school district trustees shall be elected by the legal voters of the school house district, at such time and in such manner as hereinafter set forth.

Trustees.

CHAPTER III.

County School Commissioners.

SEC. 1. The schools under the charge of the boards of county school commissioners for each county, shall respectively be designated and constitute school districts No. 1, No. 2, &c., of the respective election districts of such county. The county board shall hold four sessions a year; each session shall continue not longer than two days, and each commissioner shall receive three dollars per day for each day of his attendance, and shall be paid by the school commissioners out of the school fund. All the property, estate, effects, money, funds, claims and state donations now vested by law in the school authorities of any county for the use and benefit of public, primary, free or high schools,

How schools designated.

Sessions of county board.

Property, &c., vested in county board

are hereby transferred to and vested in the board of county school commissioners and their successors in office. And it shall be the duty of the school authorities aforesaid to convey, transfer, and pay over all such property, estate and effects, money, funds, claims and state donations to the said board of county school commissioners. If any of the parties aforesaid shall refuse to comply with the provisions of this section, the board of county school commissioners shall immediately apply to the judge of the circuit court for the writ of mandamus to compel obedience hereto. *Provided*, nevertheless, that the titles to all school houses and lots and all personal effects now held by the aforesaid school authorities, shall pass to the said boards of county school commissioners without any formal conveyance.

Proviso.

Powers of
county board.

County exam-
iner.

Treasurer.
Bond.

His duties.

2. The board of county school commissioners shall have the general superintendence of all the schools of the county, and of school houses and district libraries; they shall pay the salaries of the teachers of their counties, distribute the school books, and perform such other duties as may hereafter be enumerated. The county examiner shall be the secretary of the board of county school commissioners and shall keep the minutes of their proceedings.

3. The treasurer of the county board shall give bond to the state of Maryland, with at least two sureties, to be approved by the board of county school commissioners, in such penal sum as the board of county school commissioners shall determine, with the condition that he will faithfully perform the duties of treasurer, pay over and apply all moneys that shall come to his hands or care as treasurer, to such persons and in such manner as the said board of county school commissioners may under the provisions of this article direct; and that he will keep a full account of all money received and paid by him, and of all matters relating to the duties of his office, and preserve the same, and all vouchers relating thereto, and deliver up all books and vouchers relating to his office to his successor.

4. The state school fund is primarily intended, under this article, to pay the salaries of the teachers of the several counties, and to provide school books and stationery for the children of the state. If, however, in apportioning the said state school fund among the different counties and the city of Baltimore, the share of any county should prove inadequate for the purposes aforesaid, then the county commissioners of such county are hereby authorized, empowered, directed and required to levy and collect such a tax upon the assessable property of such county as the board of county school commissioners shall designate as sufficient to make good the deficiency, and to pay quarterly on the day fixed for the payment of the state school fund to the several counties, the amount so levied and collected over to the treasurer of the said board of county school commissioners, in order that the schools of such counties may be kept open for the time herein set forth, and said tax shall be levied and collected as other taxes. It shall also be in the power of the legal voters of any county to decide at any election upon the imposition of a tax for the erection and maintenance of a county high school, or for any other educational purpose affecting and concerning the county generally; said tax to be levied and collected as aforesaid, and to be paid to the treasurer of the board of county school commissioners as aforesaid.

State school fund.

Tax by county commissioners.

County high school.

5. For the purpose of ascertaining the sense of the people of the county in regard to any proposition intended to effect public education in said county, the board of county school commissioners shall cause such proposition to be submitted to the voters of said county at the general election next ensuing; *provided* said proposition and notice of election be published in all the newspapers of said county once a week for four successive weeks next prior to the day of said election; and said board of county school commissioners shall cause to be printed and placed at each poll in said county, on the day of said election before the opening of said poll, a sufficient number of ballots, having on

Voters of county to decide.

Proviso. Notice.

Ballots.

Duties of
judges of elec-
tion.

Clerk of court.

County com-
missioners.

Division of
county into
school dis-
tricts.

Proviso.

them "For" or "Against" the proposition in words accurately describing the same. And the judges of the said general election shall receive, deposit, count and make returns of all the ballots cast, for and against the proposition to the clerk of the circuit court of said county, in the same manner and subject to the same regulations as are provided by law, in case of a general election for members of the general assembly. And said clerk of the circuit court shall return the same to the board of county commissioners, and to the board of county school commissioners at their first meeting respectively held after said election. And the county commissioners of said county shall levy on the property in said county, and collect the same as other taxes are levied and collected a sum sufficient to defray the expenses of said election, and publication as certified to them by the board of county school commissioners.

6. In all cases where the county has not been properly divided into school districts, and full records of the boundaries thereof have not been made and recorded, the board of county school commissioners shall appoint a committee, if, in their opinion, they deem it necessary, consisting of three persons of intelligence and sound judgment, members of their own body or otherwise, who shall divide the county into suitable school districts, define and describe the boundaries of each; *provided*, that no school district shall contain a greater area than four miles square, unless part of it be located in a thinly settled region. In the formation of the school districts, the committee shall take into consideration the most suitable site for the school house, the general features of the country, and shall make each school district of such size and form as will best accommodate the population within its bounds. The committee shall make an accurate description of the bounds of the school districts accompanied by a plat, and shall report the same to the board of county school commissioners, who shall thereupon give notice in all the newspapers of the county

at what time they will meet to hear applications for a change of boundaries, which applications shall be made in writing, and within two months from the date of the first publication of such notice. When the application shall have been made and considered, the board of county school commissioners may then change the boundaries of the school districts, and revise the description, or they may, without application make such change as may be deemed important, or they may ratify and confirm the report of the committee. The description of the boundaries of school districts shall be recorded in a book kept for that purpose, by the secretary of the board of county school commissioners. Boundaries.

In those counties where no newspaper is published, the notice of application for a change of boundaries, shall be published in such a manner as the board of county school commissioners may decide. Notice. Whenever it may be necessary, the board of county school commissioners shall employ a surveyor to aid the committee in the performance of such duty; and they shall allow each member of the committee and the surveyor such compensation for their services as may be just and proper. The cost of dividing the county shall be paid by the school commissioners out of the school fund of the county. If a county has already been divided into school districts, and it may be necessary to revise the same, the board of county school commissioners shall have full power to make such revision or alteration as may be necessary to accommodate the population, and increase the efficiency of the schools. Revision or alteration. A full description of such changes and alterations shall also be made and recorded as aforesaid.

7. The board of county school commissioners shall examine any charge affecting the moral character of any teacher within their county, first giving the teacher reasonable notice of the charge, and an opportunity to defend himself; and if the charge be sustained shall annul the teacher's certificate granted in the county in which he is teaching, by whomsoever granted, and shall give notice thereof to the principal Character of teachers.

Power of
county board.

of the state normal school. In all cases where the trustees, from any cause, refuse or neglect to exercise their functions and keep in operation the school committed to their care, the board of county school commissioners shall be vested with all the rights of the district trustees, and shall take charge of, and manage the school until trustees are elected who will act, or until the incumbents give assurance of a return to their duty.

Reports of
teachers.

8. It shall be the duty of each teacher to report in tabular form the condition of his school to the board of county school commissioners, at each of its quarterly meetings. These reports shall be filed and preserved by the board, and used by the president of the board in making up his annual report to the principal of the state normal school.

How pupils dis-
tributed.

9. Whenever the number of children attending school in any school district is greater than one hundred, then the board of county school commissioners may, with the consent of the trustees, establish schools of different grades, and determine into which school each pupil shall be admitted, or the school district may be divided. And whenever the average attendance in any school for any two consecutive quarters is less than ten pupils, then said school may be closed by the board of county school commissioners; *provided*, that the trustees of the district may keep the school open in part at the expense of the district, and shall receive their proportion of the school fund for said school, rating a full school at twenty-five scholars.

Proviso.

Financial state-
ments to be
published.

10. The board of county school commissioners shall publish annually in all of the papers of the county, a statement of the moneys received and expended, setting forth all the financial operations of each district, and if there be no newspaper within the limits of the county, they shall publish the same in such other form as may be determined, and forward a copy to the principal of the state normal school.

CHAPTER IV.

The Board of School House District Trustees.

SEC. 1. For the purpose of electing two trustees of ^{Electing trustees, &c.} the school house district, and deciding such other questions as may arise, an election by ballot shall be held in every such district on the first Saturday of the month of May, at three o'clock p. m., in the year eighteen hundred and sixty-eight, and on the first Saturday in May in every year thereafter, at which every registered voter having a legal residence therein shall be entitled to vote, and the school commissioners for the several counties shall give at least ten days' public notice of such elections by advertisement in the ^{Notice.} newspapers of the county or Baltimore city; but if no election shall be had on the day aforesaid, then the board of county school commissioners shall appoint said trustees.

2. The school district board shall have the care and ^{Powers of school district board.} control of all houses and lands connected therewith, intended for school purposes, within the limits of their respective districts; also, of the furniture, apparatus and other school property belonging to the district. They shall attend to all necessary repairs, and charge the cost among the incidental expenses of the school, to be paid out of the tax levied upon the assessable property of the county as herein provided for. ^{Provido.} *Provided,* that when repairs are to be paid for out of a county school tax, the amount to be expended for said repairs shall be determined by the board of school commissioners before the repairs are made. The board shall employ a teacher from among those persons who hold ^{Teachers.} the required certificate; they shall exercise a general supervision over their respective schools and visit them frequently, and shall cause instruction to be given for ten months in the year, and the county commissioners shall provide by general county taxation for school houses in the several districts, to be paid out of the school fund of the county.

Plans of school
houses.

3. Every school house shall be built and furnished according to plans and drawings issued from the office of the principal of the state normal school, or according to plans issued from the board of county school commissioners, that proper regard may be had to light and ventilation, and other matters that conduce to the comfort, health and good order of the pupils.

Out-buildings.

4. Every school house site must be provided with suitable out-buildings.

How school
houses to be
used.

5. No school house shall be used for any other than public school purposes, and school district meetings.

New districts.

6. Contiguous portions of two or more school house districts may, with the consent of the board of county school commissioners, combine and form a new school house district, and when thus formed, the said new school house district shall be invested with all the rights and powers hereinbefore set forth as pertaining to such districts; *provided*, that the new school house district thus formed, or said district from which it may be formed, shall not contain less than thirty-five legal resident voters.

Proviso.

CHAPTER V.

School House Sites.

District board
to select sites.

SEC. 1. It shall be the duty of the school district board, with the consent of the board of county school commissioners, to select a suitable school house site in each district whenever the necessities of the public schools demand a change of site or sites already built upon, or a new school house to be built.

Gift, &c., of
sites.

2. The board of county school commissioners may receive donations of such sites, or locations, for school houses, or of houses already built, adapted to school purposes, or suitably located, or may purchase the same; but in no case shall any site be built upon, or any house be occupied, until a good and sufficient title shall have been obtained for the same, in the corporate name of the board of county school commissioners.

Title.

3. When lands shall be required for the site of a school house, or for enlarging a school house lot, and the school district board shall from any cause be unable to contract with the owner thereof, the board of county school commissioners may apply for a writ of *ad quod damnum* to the clerk of the circuit court for the county, who shall forthwith issue the same, and the sheriff shall execute the said writ, and return an inquisition describing the land and stating the amount of damages to be paid to the owner, and the judge of the circuit court for the county may, at any time after the return of the inquisition, in term or during recess, hear a motion to confirm such inquisition, on such notice to the parties as he may direct, and confirm or quash the same; and if he quashes the inquisition, he shall order a new one forthwith to be taken, but no lot so taken or enlarged shall exceed in the whole one acre, including the land occupied by the school buildings.

Condemnation
for sites.

Writ, *ad quod*
damnum.

Inquisition.

Confirmed, &c.

4. In all cases when school house sites are thus purchased or condemned, the cost thereof shall be paid as other school house property is paid for.

Cost of sites.

CHAPTER VI.

Schools.

SEC. 1. In every school house district in each county, established as hereinbefore provided, there shall be kept for ten months in each year, one or more schools, according to population, which shall be free to all white youth over six and under eighteen years of age.

How long
schools kept
open.

Free to whites.

2. In every district school there shall be taught orthography, reading, writing, English grammar, geography, arithmetic, history of the United States, the constitution of the United States, the constitution of the state of Maryland; and good behavior. Algebra, book-keeping, natural philosophy, vocal music, drawing physiology, the laws of health and of domestic economy shall also be taught whenever the school district board shall deem it expedient.

What taught.

Additional
teachers.

3. Whenever a school numbers over sixty children, an assistant teacher shall be employed, and then for every additional forty children, one additional teacher shall be appointed; and the board of county school commissioners shall direct the division of the pupils so as to form a graded school.

Public exami-
nation.

4. Public examinations shall be held in each school, once in each term, of which due notice shall be given, that parents and others interested in public education may attend.

Hours.

5. Schools shall be kept open each week day except Saturday, for six hours, and the hours for teaching shall be regulated by the several school district boards.

Disturbing
school.

Penalty.

6. Any person who shall disturb any district school in session, shall, upon conviction thereof before a justice of the peace, forfeit and pay twenty dollars, to be collected as other fines, and to be paid to the school district board for the benefit of the school house district, or said offender shall be imprisoned until the penalty and costs be paid, not exceeding, however, thirty days.

School year.

Proviso.

Proviso.

Vacation and
holidays.

7. The school year shall be divided into four terms, which shall be designated the fall term, winter term, spring term, and summer term, and the time of the beginning and closing each term shall be regulated by the board of county school commissioners, *provided* that the financial reports of the schools of the state shall be made up and rendered to the thirtieth day of September, inclusive of each and every year, and *provided*, further, that there shall be no change in, or encroachment upon the holidays and vacation set forth and established in the following paragraph. The month of August shall be vacation throughout the whole state, and the following days shall be holidays, viz: thanksgiving day, from Christmas eve to the first day of January inclusive, Washington's birth day, the fourth day of July, from the Friday before easter to the Monday after easter inclusive, and the Monday of whitsuntide, and the remaining month of the vacation shall be fixed and designated by the board of county

school commissioners to subserve the convenience and advantage of their respective counties. In case it may be necessary to open school for a fraction of a term, it shall close at the end of the term, and all accounts shall be settled at the meeting of the county board held at the close of the term. Accounts.

CHAPTER VII.

SEC. 1. No person shall be employed as a teacher under this law unless such person shall hold a certificate of qualification issued by the examiner of the county in which he proposes to teach, the principal of the state normal school or a diploma as graduate of said normal school. Certificate of teacher.

2. Teachers shall be appointed by the school district board and may be removed at any time said board may think proper after thirty days' notice. Appointment and removal of teachers.

3. Teachers shall enter into registers prepared for that purpose an accurate account of the attendance of pupils, of text books used, and branches taught and such other statistics as may be required, and make due return thereof to the board of county school commissioners at the end of each term, and no teacher shall be entitled to receive payment for services until the register properly filled up and completed be so returned: their reports shall be filed by said board for the purpose of making the annual returns to the principal of the state normal school. Returns of teachers.

4. The salaries of teachers of each county shall be fixed by the board of county school commissioners. Payment.

CHAPTER VIII.

Pupils.

SEC. 1. All white youth between the ages of six and eighteen years shall be admitted into any of the public schools of the state, the studies of which they may be able to pursue; *provided* that whenever there are graded schools, the teacher in the school of the higher grade shall determine to which school pupils shall be admitted. Who to be admitted.

Expelling, &c.,
pupils.

2. The school district board shall have power to suspend and expel pupils for cause.

Attendance in
adjoining dis-
trict.

3. Children living remote from the school of the district in which they reside, may attend school in an adjoining district, with the consent of the trustees of the respective school districts.

Certificate of
vaccination.

4. Every child, before it is admitted to any public school, shall produce a certificate from a regular physician, that it has been regularly vaccinated.

CHAPTER IX.

Text Books.

Sectarian or
partisan books.

SEC. 1. School books shall contain nothing of a sectarian or partisan character.

Purchase of
text books.

2. Each board of county school commissioners shall purchase the text books for their respective counties, after having examined such as may be recommended by the board of trustees of the state normal school, whose duty is hereby made to present a list of books to said county boards with their written reasons for such recommendations.

Books and sta-
tionery.

3. They shall authorize the delivery of books and stationery to the various schools in the county upon the order of the commissioners of the election districts, or of the teachers, endorsed by a trustee of the school district; *provided*, that no pupil shall be required to pay more than one dollar per quarter for such use, and that any pupil may be exempted from payment in the discretion of the school district board.

Proviso.

Payment for
books.

Accounts of
books, &c.

4. The board of county school commissioners shall keep an account of the books and stationery delivered to the several schools in their respective districts and file their receipts for the same.

Exhibit of cost,
&c., of text
books to be
published.

5. The board of county school commissioners shall publish annually in all the newspapers of the county an exhibit of the cost of the text books and the distribution thereof, and the money received therefor, from the several school house districts.

TITLE II.—MODES OF SECURING COMPETENT TEACHERS.

CHAPTER I.

Examination of Teachers.

SEC. 1. It shall be the duty of each board of county school commissioners to appoint a county examiner, whose duty it shall be to examine candidates for the profession of teaching in the presence of at least three members of the board of school commissioners, and to give to such persons as are found qualified under the sanction of the said board, a certificate setting forth the branches such persons are competent to teach, but no certificate shall be granted without satisfactory evidence of the moral character of the applicant. County examiner. Certificate.

2. The certificates issued by each county examiner shall be numbered and registered in a book kept by the board of county school commissioners, and be delivered to their successors in office, and shall be denominated first or second grade as the case may be, and the principal of the state normal school shall keep a book in the same manner as the county examiners. How certificates to be issued. Certificates of the first grade shall embrace orthography, reading, writing, arithmetic, geography, history, English grammar, book-keeping, algebra and natural philosophy, and the second grade shall embrace orthography, reading, writing, arithmetic, geography, history and English grammar. Grades.

3. No certificate of qualification as a teacher shall be issued to any male under nineteen years of age, or to a female under seventeen years of age. Age of teacher.

4. No certificate shall continue in force longer than three years. How long certificate in force.

5. The county examiner shall hold regular examinations of teachers at each quarterly meeting of the board, and at such other times as the board of county school commissioners may direct. Examination of teachers.

6. It shall be the duty of each county examiner at least twice in each school year to visit the schools in his county, in counties having fifty schools or less, and County examiners to visit schools.

- Other duties.** once in counties having more; he shall observe the method of the teacher, and give him such practical suggestions as the circumstances may prompt; he shall, whenever possible, attend public examinations and report quarterly in detail the result of his observations to the board of county school commissioners;
- Compensation.** he shall receive as compensation for his services as treasurer, secretary and examiner, such sum, payable quarterly, by the school commissioners out of the school fund of each county, as the board of school county commissioners shall in their judgment deem proper.

CHAPTER II.

State Normal School.

- Where located and its objects.** **SEC. 1.** There shall be located in the city of Baltimore a state normal school for the instruction and practice of teachers in the science of education, the art of teaching, and the mode of governing schools. For the government of the normal school and the election of the principal and professors thereof, the governor shall nominate, and with the advice and consent of the senate appoint, at the present session of the general assembly of Maryland, and at every regular session thereafter, three persons to be styled the board of trustees of the Maryland state normal school; said board shall elect a treasurer, who shall also be the secretary, at a salary of three hundred dollars per annum, who shall give bond in such amount as the board may direct. The principal of said school shall receive a salary of twenty-five hundred dollars per annum, payable quarterly, and the professors and teachers of the model school shall receive such salaries as the board may decide.
- Trustees of the Maryland state normal school.**
- Treasurer.**
- Bond.**
- Principal, &c.**
- Sessions normal school, where held.** **2.** The sessions of the state normal school, until otherwise provided for by the state, shall be held in such building as the state board may select, the rent to be charged among the incidental expenses.
- Faculty.** **3.** The faculty of the state normal school shall consist of the principal and of two male and two female

professors, who shall be appointed by the trustees of the normal school, and to have such salaries and perform such duties as said board may direct. And the state superintendent now acting under the system of public instruction about to expire by limitation of the constitution, shall transfer all school property and effects in his hands to the principal of the state normal school.

Property to
vest in princi-
pal.

4. The sessions of the state normal school shall be determined by the board of trustees of state normal school; *provided*, that the school shall be open for not less than nine months in each year.

Sessions nor-
mal school.

Proviso.

5. Students of both sexes shall be admitted to the state normal school; females at the age of sixteen years, and males at the age of seventeen years. The students shall be apportioned by the trustees of the state normal school among the several counties and the city of Baltimore, in proportion to their respective representation in the general assembly of the state. The students shall be selected by the several boards of county school commissioners, and the board of commissioners of public schools of the city of Baltimore, from among persons having the scholastic qualifications hereinbefore required for teachers. Before any appointment shall be made, the applicants shall procure the certificate of the county examiner in testimony of their scholastic proficiency, and also file a written declaration that their object in obtaining admission is to qualify themselves as public school teachers, and that it is their intention to engage in the profession of teaching within the state, and in case any students shall fail to fulfil the condition upon which they were admitted, they shall forfeit and pay thirty dollars for each session they have attended the normal school, to be collected as other debts are collected, and to be applied for the benefit of the normal school. If there be not applicants sufficient from any county or the city, then the principal of the normal school may fill all vacancies, by selecting applicants possessing the requisite qualifications, from any other portion of the state, in the proportion aforesaid.

Students in
state normal
school.

Additional students.

6. In addition to the students admitted from the counties and the city of Baltimore, who shall enjoy all the privileges of the school, and be furnished with the use of the text books free of charge, there may be admitted, in the proportion of one to two of the scholars selected by the county and city boards, other persons having the requisite qualifications, who shall pay the sum of twenty-five dollars per session, and purchase their own text books, and be subject in every respect to the same rules and regulations as the other students; *provided*, that the number of students sent by the state shall not exceed two hundred, and as long as this number is not reached by the state, or after it shall have been reached by the state, all remaining vacancies may be filled by pay scholars to the full capacity of the school.

Proviso.

Course of study.

7. The board of trustees of the state normal school shall prescribe the course of study, and supervise the school in every particular not provided for in this law; they shall make provision for model and experimental primary and grammar schools under qualified teachers, in which the student of the normal school shall have opportunity to practice the modes of instruction and discipline inculcated in the normal school. The salary of the teachers of the model and experimental schools shall be paid in part from the tuition fees derived from the pupils of said model schools.

Teachers' salaries.

Appropriation.

8. The annual sum of eight thousand dollars is hereby appropriated for the support of the normal school, to be paid in quarterly instalments by the treasurer, on the warrant of the comptroller, to the board of trustees of the state normal school, and to be applied to the payment of teachers' salaries and the purchase of educational apparatus, for the salary of the principal of the normal school, for text books, stationery, fuel, light and other incidental expenses of the school.

How applied.

Donations or bequests.

9. All donations or bequests of money or personal property, and all grants or devises of lands for the benefit of the state normal school shall be held in trust by the trustees of the normal school.

10. All male students of the state normal school shall be taught military tactics, embracing the manual for infantry, and the school of the company and battalion, to qualify them to introduce a proper system of military instruction in public schools and high schools of the state. Military tactics.

11. The adjutant general of the state shall, upon requisition of the trustees of the state normal school, furnish to the state normal school such arms and equipments as may be needed for the use of the students. Arms, &c.

12. The principal of the state normal school shall have the general supervision of all the public schools in the state. General supervision by principal.

13. He shall on or before the 15th day of January in each and every year make a report to the governor of the condition of the schools of the state, a statement of the apportionment of money to the counties and the city of Baltimore for the support of schools, an abstract of the reports received from the county school commissioners, and shall make such suggestions for the improvement of schools and the advancement of public education as he shall deem expedient. Report by principal to governor.

14. And the governor shall cause three thousand copies of said report to be printed and distributed to the members of the legislature in those years in which there is no session of the legislature. Report to be printed.

CHAPTER III.

Aids and Encouragement to Education.

SEC. 1. Educational information and instruction shall be issued to teachers and others by the principal of the state normal school through the school journal selected by the said principal for the school house library. School journal.

CHAPTER IV.

Teachers' Associations.

- Associations.** SEC. 1. District, county and state teachers' associations are recommended as an important means of elevating the standard of public education by mutual conference, interchange of views and suggestions as to systems of teaching and discipline.
- Duty of county examiner.** 2. It shall be the care of the county examiner to aid in the organization of these associations, to encourage attendance, to secure competent lecturers, and to impart such information as will encourage teachers in their work and fit them for the performance of their duties.
- Where associations held.** 3. These associations may occupy any of the school houses.

CHAPTER V.

Teachers' Institutes.

- Where and when to be held.** SEC. 1. A teachers' institute, to continue five days, may be held during vacation in each county once a year, and the county examiner shall be present and shall give normal instruction to the teachers each day.
- Meetings of institute.** 2. The principal of the state normal school shall fix the time of the meeting of the institute, and it shall be the duty of the county examiner to notify each teacher of the time and place of meeting.
- Principal to preside.** 3. These institutes being designed as temporary normal schools, shall be presided over by the principal of the state normal school, if he can be present, assisted by the county examiner and any member of the board of county school commissioners who may choose to attend.
- Place of meeting.** 4. The president of the board of county school commissioners shall select the place of meeting.

CHAPTER VI.

District Libraries.

SEC. 1. For the further encouragement of education district libraries ought to be established in each school house district, under the care of the teacher as librarian. For this purpose the sum of ten dollars per annum is ordered to be paid by the county school board out of the state school fund, to any school house district as library money, as long as the people of the district raise the same amount annually. The books must be selected by the school district board and teacher.

Appropriation,
 &c., for libraries.

CHAPTER VII.

The City of Baltimore.

SEC. 1. The mayor and city council of the city of Baltimore shall have full power and authority to establish in said city a system of free public schools, under such ordinances, rules and regulations as they may deem fit and proper to enact and prescribe. They may delegate supervisory powers and control to a board of school commissioners; may prescribe rules for building school houses and for locating, establishing and closing schools, and may in general do every act that may be necessary or proper in the premises.

Mayor, &c., to
 establish
 schools in said
 city.

Powers.

2. The board of commissioners of public schools of Baltimore city, or by whatsoever name the body may be known that has supervisory powers and control over the public schools of Baltimore city, shall have power to examine, appoint and remove teachers, prescribe the qualifications, fix the salaries and select text books for the schools of said city; *provided*, such text books shall contain nothing of a sectarian or partisan character. The board of commissioners of public schools of said city shall annually make a report to the principal of the state normal school of the condition of the schools under their charge, to include a statement of expendi-

Powers of com-
 missioners of
 public schools.

Proviso.

Report to prin-
 cipal.

tures, the number of children taught, and such other statistical information as may be necessary to exhibit the operation of the schools.

Ordinances by
mayor and city
council.

3. The said mayor and city council of Baltimore shall have power and authority to make all ordinances for the protection of the school houses and school property, and to punish any person who may disturb the sessions of the said public schools.

Taxes.

4. And the said mayor and city council are hereby authorized and empowered to levy and collect upon the assessable property in said city, as other taxes are levied and collected, such amount of tax as may be necessary to defray all the expenses incurred for educational purposes by said mayor and city council.

CHAPTER VIII.

High Schools.

Taxes for the
purchase of
sites, &c.

SEC. 1. Every school house district, or any two or more school house districts, or any county shall, jointly, severally, and respectively, have the power to levy taxes upon their respective assessable property, for the purchase of sites and the erection of school houses; for the improvement of the schools within their boundaries; for the increase of the teachers' salary beyond the amount herein prescribed; for the purchase of superior school apparatus; for the establishment of grammar and high schools, or for any other purpose that may tend to the increase of educational facilities.

Power of trustees.

If any grammar or high school be established by one school house district alone, then the trustees of such district shall exercise the same control over such grammar or high school as hereinbefore provided for primary schools; but if such advanced schools be established and maintained by more than one school house district, then the several boards of trustees of the respective districts shall jointly constitute the board of trustees for such advanced school, and shall in their joint capacity exercise a like control over such advanced school as in their several capacities they exercise over

their respective primary schools; and if the advanced school is established by a county, then the board of county school commissioners shall exercise control over such advanced school.

2. Whenever the boards of school commissioners of any two or more counties shall deem it expedient, they may unite their funds and establish at some convenient and central location a high school or other advanced school, which shall be open to the youth of both counties.

Union of boards.

3. Such high school shall be governed by a board composed of the several boards of the counties establishing said school, and shall be subject to their visitation, and such board shall be styled the high school board of counties.

High schools, how governed.

4. The funds for suitable buildings for high schools shall be provided by the boards of county school commissioners to be paid to, and be applied by the said high school board; *provided*, however, that before proceeding to locate the high school, the high school board shall advertise and receive offers from the citizens of any district or town, who may be inclined to provide suitable buildings, apparatus, &c., in order to secure the location of the high school in their neighborhood.

Funds for building.

Proviso.

5. These buildings shall be kept in repair by, and the title thereof be vested in the high school board of counties. In all particulars concerning text books, course of study and mode of discipline, the high school shall be under the control of the state board of education.

Title and repair of buildings.

Under what control.

6. Each high school shall be visited and examined annually by the principal of the state normal school or a professor thereof; such high school shall also be visited at least once in each school term, by the president of the high school board of counties who shall report quarterly to the board the result of his observations.

High schools to be visited and examined.

7. The principal of each high school shall report annually to the high school board of counties.

Report of principal of high school.

Military tactics. 8. If practicable, military tactics may form a department in every high school and college of the state.

Joint board. 9. Whenever the joint high school board, or the joint advanced school board of any two or more counties or school house districts is composed of six, eight, ten, or any other even number of persons, the high school board shall appoint one additional member.

CHAPTER IX.

Colored Population.

School for colored children. SEC. 1. The total amount of taxes paid for school purposes by the colored people of any county, or in the city of Baltimore, together with any donations that may be made for the purpose, shall be set aside for the maintaining the schools for colored children, which schools shall be conducted under the direction of the board of county school commissioners, or the board of commissioners of public schools of the city of Baltimore, and shall be subject to such rules and regulations as said respective boards shall prescribe.

CHAPTER X.

Sources of Income.

State tax. SEC. 1. A state tax of ten cents on each one hundred dollars of taxable property throughout the state, shall be levied annually for the support of the free public schools, and the Maryland state normal school, which tax shall be collected at the same time and by the same agents as the general state levy, and shall be paid into the treasury of the state, to be distributed by the treasurer to the boards of school commissioners of the city of Baltimore, and the several counties. And the

Distribution of fund. comptroller in making the distribution of the several items of the free school fund shall apportion to Wicomico county such portion of said fund as it will be entitled to according to the several laws regulating the distribution of said fund, and the county commissioners of Wicomico are hereby authorized and required to

provide for taking the census of said county, and such census shall be certified to by the comptroller on or before the 25th day of June, 1868. Census of Wicomico county.

2. The treasurer, on the warrant of the comptroller, shall pay as heretofore to each of the counties, and the city of Baltimore, the proportion of the free school fund to which such city or county is entitled under the provisions of the laws and resolutions existing at the time this article is adopted, and he shall pay the same to the treasurer of the board of school commissioners of Baltimore city, and of the several counties. Payment of free school fund.

3. The several colleges and academies shall respectively receive the donations granted to them by any laws or resolutions of the general assembly, subject to the conditions annexed thereto. Donations to colleges, &c.

4. Real and personal estate, granted, conveyed, devised or bequeathed for the use of any particular county or any school district, shall be held in trust by the board of county school commissioners for the benefit of such county or school district, and such grants and bequests shall be exempt from all state and county taxes. Real and personal estate granted, &c.
Exempt from taxation.

5. Moneys invested prior to the passage of this article in trust for the benefit of the public schools of any county or city, shall be exempt from state, county or local taxation. Money invested.
Exempt from taxation.

6. As soon as the comptroller shall have received from the city of Baltimore and the several counties, returns of the amount of state school tax levied in each county and the city of Baltimore, he shall immediately thereafter apportion the amount of the whole levy, to the several counties and the city of Baltimore, in proportion to their respective population between the ages of five and twenty years, and the state treasurer shall, upon the warrant of the comptroller, pay over the amount of the whole levy to the proper officers in the city of Baltimore and the several counties authorized to receive the same. Duty of comptroller.
Apportionment.

7. On the fifteenth day of June, the first day of October, the first day of January, and the fifteenth day of Time of apportionment.

- March, in each year, the comptroller shall apportion the amount of school tax received by the treasurer among the several counties and the city of Baltimore, in proportion to the whole amount apportioned to each by the state treasurer; and he shall notify the board of trustees of the state normal school, and the treasurer of each of the several boards of school commissioners of the counties and the city of Baltimore, of the amount of tax due to each county and the city of Baltimore, on the several days aforesaid, and the treasurer shall pay the several amounts within ten days after said notification, upon the draft of the president and secretary of the several boards of school commissioners aforesaid; *provided*, that no payment of said tax shall be made to any county or the city of Baltimore until after the organization of the several boards of county school commissioners under this law.
- Payment. 8. When the levy of any year shall have been collected, the comptroller shall apportion among the several counties and the city of Baltimore the amount allowed on the levy for insolvencies and abatements, and shall transmit a statement of the same to the trustees of the state normal school.
- Proviso.
- Abatements, &c.

Approved March 30, 1868.

It is further provided that this law shall take effect April 1, 1868, *provided*, nevertheless, that the schools now in operation may be continued under existing authorities until their successors are duly appointed and qualified.

SCHOOLS.

1868, c. 223 enacts, that the comptroller be and he is hereby authorized and directed to invest in the bonds to be redeemed in fifteen years, of the trustee of the Brookville academy in Montgomery county, yielding an interest of six per cent. per annum, payable semi-annually, the balance of the fund arising from the sale of the land scrip donated to this state for the benefit of agricultural and mechanical arts which said fund remains in his hands unappropriated.

In force and approved March 28, 1868.

1868, c. 191 entitled an act to authorize and require the comptroller to correct the errors in the distribution of the free school fund, accruing under the acts of eighteen hundred and thirteen and eighteen hundred and sixteen, from the year eighteen

hundred and fifty-two to the year eighteen hundred and sixty-seven, inclusive, and to pay to Baltimore city and Baltimore county the amounts of which they have been deprived by said errors, and to make appropriation for that purpose; whereas, the act of eighteen hundred and thirteen, chapter one hundred and twenty-two, and the act of eighteen hundred and sixteen, chapter one hundred and fifty-six, provide that the "free school fund" shall be divided equally among the several counties of this state; and whereas Baltimore city and Baltimore county became separate and distinct jurisdictions by virtue of the constitution which went into operation on the fourth day of July, eighteen hundred and fifty-one, and were each from that date legally entitled to a full and equal share of said "free school fund," under the same construction of the law by which both Carroll and Howard counties, after they became separate jurisdictions, were each apportioned and paid with the other counties an equal share of said "free school fund;" and whereas by inadvertence or oversight, Baltimore city and Baltimore county were each paid only one-half of the amount of said "free school fund," which was paid to other counties for the period of sixteen years, viz: from the year eighteen hundred and fifty-two to the year eighteen hundred and sixty-seven, inclusive; therefore this act enacts, that the comptroller be and he is hereby authorized and required to correct the errors in the distribution of the "free school fund," accruing under the acts of eighteen hundred and thirteen and eighteen hundred and sixteen, for the period of sixteen years, from the year eighteen hundred and fifty-two to the year eighteen hundred and sixty-seven, inclusive, by paying to Baltimore city and to Baltimore county, each, the sum of eight thousand four hundred and sixty-three dollars and thirty-eight and a half cents, being the amounts of which they have been deprived by the errors in the distribution of said "free school fund," as will fully appear on the books and accounts of the comptroller.

That the sum of sixteen thousand nine hundred and twenty-six dollars and seventy-seven cents be and the same is hereby appropriated for the purpose aforesaid, out of any money in the treasury not otherwise appropriated.

That the treasurer, upon the warrant of the comptroller, shall pay to the treasurers of the boards of school of Baltimore city and Baltimore county each the sum of eight thousand four hundred and sixty-three dollars and thirty-eight and a half cents, to be applied as other school funds are now applied.

That the comptroller be and he is hereby instructed and required in the future distribution of the "free school fund," herein aforementioned, to apportion to Baltimore city a like and equal share with each county of the state.

In force and approved March 28, 1868.

See 1868, c. 239 under Public General Laws, Art. LXXXI, Revenue and Taxes.

1868, c. 320 repeals 1856, c. 97, ss. 4 and 13, entitled an act to endow an agricultural college in the state of Maryland, and enacts that the president of the senate shall be, *ex-officio*, a member of the board of trustees of the Maryland agricultural college, in the place which the lieutenant governor formerly held in the said board.

That a general meeting of the stockholders of the Maryland agricultural college shall be held annually, on the second Wednesday of April, in the city of Baltimore, at such special hour and place as the president of the existing board of trustees may appoint, and one week's notice of such meeting shall be published in two of the daily newspapers of Baltimore, and that a meeting may be called at any time and at any convenient place during the interval between the said annual meetings, by the president and trustees, or a majority of them, or by the stockholders owning at least

one-fourth of the whole amount of stock subscribed, upon giving thirty days' public notice of the time and place of holding the same, by advertisement published in one or more newspapers of general circulation in the state; and at all meetings of said stockholders one-fourth in value of said stockholders being present in person or by written proxy, shall constitute a quorum for the transaction of all business; and that if less than such quorum shall be present at any such meeting, said meeting may adjourn from time to time, until a quorum is obtained; and that all general meetings of the stockholders, where such a quorum is present, a majority, in value, of the stockholders present in person or by written proxy, may fill any vacancy that may occur in the board of trustees which can be lawfully filled by the stockholders, and may remove from office any president or any of the trustees elected by the stockholders, and may appoint others in their stead.

In force and approved March 30, 1868.

1868, c. 183 repeals 1864, c. 316, [Sup. 563,] so far as it relates to the Harford county academy, and enacts that the following sections be enacted in lieu thereof and that the annual donation of five hundred dollars heretofore granted by law or resolution prior to the year 1864, to the Harford county academy, in Bel-Air, is restored to said academy.

That the sum of two hundred and fifty dollars is hereby appropriated to be paid annually out of the academic fund for Harford county to the Darlington academy in said county, in addition to the sum of one hundred and fifty dollars now paid annually to said academy by the state.

That the treasurer, upon the warrant of the comptroller, is hereby authorized to pay annually the said sum of five hundred dollars to said Harford county academy, and the said sum of two hundred and fifty dollars to the said Darlington academy out of the academic fund of said county.

In force and approved March 28, 1868.

1868, c. 208 recites that whereas, by resolution 34, passed February 17, 1832, laws of 1831, the treasurer of the western shore was directed to equalize the donations granted to academies and schools, so as to give to each county the annual sum of eight hundred dollars, and by resolution thirty-eight, laws of eighteen hundred and thirty-five, the said treasurer was further directed to pay over the said sum of eight hundred dollars to the "Patapsco Female Institute," which sum was annually paid as directed, until the year eighteen hundred and sixty. And whereas, by an act passed January thirteenth, eighteen hundred and forty-three, laws of eighteen hundred and forty-two, chapter five, the trustees of the "Patapsco Institute" were authorized to raise the net sum of fifteen thousand dollars, by drawing a scheme of a lottery or by selling the same, and it was further provided, that when the said trustees had succeeded in raising the sum of fifteen thousand dollars, the treasurer should cease to pay to them the annual sum of eight hundred dollars as aforesaid. And whereas, the "Patapsco Institute" did succeed in raising the sum of fifteen thousand dollars, and the annual payment of eight hundred dollars to them has ceased from the year eighteen hundred and sixty to eighteen hundred and sixty-seven, inclusive; and by the law of eighteen hundred and sixty-five, chapter one hundred and sixty, the annual donations heretofore made to academies and schools were made to constitute a high school fund for each county; and whereas the said sum of eight hundred dollars have been annually paid to each county in the state,

with the exception of Howard county, for the purpose of supporting a high school, and in consequence of withholding the sum from Howard county, the board of school commissioners have been unable to organize a high school in said county, therefore this act enacts that the treasurer, upon the warrant of the comptroller, be directed to pay to the board of school commissioners for Howard county the sum of six thousand four hundred dollars, that being the amount in arrear and due to the said county by the state.

That the said board of school commissioners for Howard county shall employ the said sum of money for the purpose of organizing and supporting a high school in said county, and for no other purpose whatever.

That the sum of six thousand four hundred dollars be, and the same is hereby appropriated for the purpose aforesaid, out of any money in the treasury not otherwise appropriated.

In force and approved March 23, 1868

1868, c. 434 recites that whereas, resolution No. 34, passed at December session, 1831, declares that the donation granted to schools and academies in the several counties of this state shall be equalized, so as to give eight hundred dollars to each county; therefore, it enacts that the treasurer of this state, upon the warrant of the comptroller shall pay annually, on the first Monday in April, to the board of school commissioners of Wicomico county, the sum of eight hundred dollars, one-half of said sum to be paid to the board of trustees of Salisbury academy, and the other half to be applied to the public school fund of said county.

That the donation of two hundred dollars, now paid to the trustees of Salisbury academy, for Somerset county, shall hereafter be paid to the trustees of Fairmount academy, in said Somerset county.

That the treasurer, upon the warrant of the comptroller, shall pay annually, on the first Monday in April, to the board of school commissioners of Wicomico county, the sum of four hundred dollars, in addition to the sum named in the first section of this act, to be applied to the public school fund of said county.

In force and approved March 30, 1868.

1868, c. 400 entitled an act to increase the number of free scholarships in the Baltimore Female College, and to change the manner of appointing the beneficiaries and board of trustees recites that whereas, since the endowment of the Baltimore Female College, two new senatorial districts have been established in Baltimore city, and the county of Wicomico has been erected; therefore it enacts, that three additional free scholarships be established in the Baltimore Female College, upon which two pupils from the city of Baltimore, and one from the county of Wicomico, shall be admitted to all the instructions given in the college, and to the privileges of the normal class, with the use of all necessary books, without any charge whatever.

That to meet the expenses of the above, the further sum of three hundred dollars, in addition to the present donation of twenty-two hundred dollars, shall, on the warrant of the comptroller of the state, be annually paid on the first day of April in each and every year to the president of the board of trustees of the college.

That in filling vacancies in all the free scholarships established in the college by the state, the orphans' courts of the several counties and of the city of Baltimore, shall always give preference to such applicants as may be presented to them by the several boards of school commissioners respectively of the several counties.

That instead of the usual mode of selecting an annual board of trustees, the present trustees, and their successors, constitute a permanent board of trustees, with power to fill all vacancies that may occur by death, resignation or removal from the city.

That all acts or parts of acts in relation to the Baltimore female college, inconsistent with this act be, and the same are hereby repealed.

In force and approved March 30, 1868.

1868, c. 234 enacts that the annual donation of five hundred dollars be, and the same is hereby restored to the West Nottingham academy in Cecil county, to be paid out of the free school fund of said county.

That the treasurer of the state of Maryland is hereby authorized, empowered and directed to retain the sum of five hundred dollars out of the free school fund of Cecil county, and pay over the sum of five hundred dollars to the treasurer of the said academy, or to any other person properly authorized to receive the same, on the first day of October in each year, beginning with October 1, 1868.

That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby repealed.

In force and approved March 28, 1868.

1868, c. 307 incorporates a college or general seminary of learning, near Westminster, in Carroll county, by the name of the Western Maryland College.

ARTICLE —.

Registration.

VOTERS.

13. Governor to appoint registers: oath: proviso.
14. Books of registration: lists.
15. Registers to demand books, &c., from clerks of courts.
16. Times of sitting: notice.
17. To correct lists of voters, &c.; white male persons: oath: provisos.
18. Requisite qualifications for voters: disqualifications.
19. What to be recorded in book.
20. Alphabetical lists: lists to be published.
21. Time for correcting books, &c.: notice.
22. Correcting lists, &c.: registering names.
23. Names of qualified voters: where to vote: notice.

24. Copies of lists, &c. to be furnished.
25. Party aggrieved: right of appeal.
26. Powers of registers: fees.
27. Duty of Baltimore police: list of names, &c.
28. Certificate: provisos: change of residence.
29. Clerks, &c., to file copies of lists, &c.: records.
30. Sheriffs to receive copies: missing lists: sheriff's to deliver lists to judges of election.
31. Judges to return, &c.: lists: duty of judges.
32. Per diem of officers of registration, &c.: cost of recording, &c.: certificates, &c.: sheriff's costs, &c.: accounts to be approved.
33. Neglect or refusal of register, clerk of court, &c.: penalty: damages.

VOTERS.

1868, c. 297 repeals 1865, c. 174 entitled, an act relating to the registration of the voters of the state, and to enact other provisions in relation to the registration of voters in lieu thereof, 1867, c. 336 [Sup. 240] and enacts therefor, the following sections to be arranged in the Code of Public General Laws under the article entitled Registration :

SEC. 13. The governor shall nominate, and by and with the advice of the senate, appoint at this session of the legislature, and at every regular session of the legislature to be held hereafter, one person in each ward of Baltimore city, and one person in each election district in every county, voters in said wards and districts, respectively, to be styled officers of registration, who shall perform the duties imposed on them by this article ; and all such officers before entering upon the discharge of their duties, shall take and subscribe before the clerk of some one of the courts of Baltimore city, and the clerk of the circuit court of the several counties, respectively, the oath prescribed in the sixth section of the third article of the constitution ; *provided*, that if the governor shall not have time to make such nominations to the senate at this session, he shall appoint said officers of registration and send their names for approval to the senate at the next ensuing session.

1868, c. 297, s. 2.
Governor to appoint registers.

Oath.

Proviso.

14. The clerk of the superior court of Baltimore city, and the clerk of the circuit court of the several counties, shall deliver to the officers of registration for Baltimore city and the several counties, the books of registration in the offices of said clerks, respectively, and also duly certified copies of the lists of qualified voters in their respective offices on the third Monday in September, eighteen hundred and sixty-eight, and on the same Monday in every year thereafter.

Ibid. s. 3.
Books of registration.

Lists.

15. The officers of registration, as aforesaid, shall, on the third Monday in September, eighteen hundred and sixty-eight, and on the same Monday in every year thereafter, demand from said clerks of the said courts of Baltimore city and the several counties, said

Ibid. s. 4.
Registers to demand books, &c., from clerks of courts.

books of registration and certified copies of the lists of qualified voters directed to be delivered to said officers, by said clerks in the third section of this article, and said officers of registration shall safely keep and protect said books and lists from alteration, mutilation and defacement whilst in their possession.

Ibid., s. 5.
Time of sitting.

16. For the purpose of discharging duties imposed on them by this article, said officers of registration shall for six successive days in Baltimore city and Allegany county, and three days in the remaining counties of the state, commencing on the third Monday in September, and on the same Monday in every year thereafter, at some place in their respective wards and districts in Baltimore city and the several counties convenient to the voters thereof, sit with open doors from nine o'clock A. M., until nine o'clock P. M., in Baltimore city, and from nine o'clock until six o'clock P. M. in the several counties, and they shall give at least ten days' notice of the time and place of their sitting by publication in three newspapers published in Baltimore city, one of which shall be printed in the German language and in one newspaper in the several counties in which a newspaper is published, having the largest circulation, and by handbills posted at such public places, as said officers shall select in said ward and district, and in case of change in the place of sitting, they shall at once publish in said papers notice of such change.

Ibid., s. 6.
To correct lists
of voters, &c.

17. At the time and place published by said officers of registration, they shall proceed to strike from the list of qualified voters the names of all persons known, or made known to them, who have died or removed from the ward or election district or have become disqualified under the provisions of the second and third sections of the first article of the constitution, and to deliver to any persons applying whose names appear on the said list of qualified voters, a certificate of registration, and to strike from the books of registration the name of said dead, removed, or disqualified, and for what cause under the constitution and laws of this state

as the case may be, and to register the name of every male white person who shall apply to said officers to be registered as a qualified voter, who shall satisfy them ^{White male persons.} he possesses, or before the day of election next ensuing, will possess the requisite constitutional qualifications of age, citizenship and residence, and is not disqualified under the provisions of the second and third sections of the first article of the constitution; *provided*, however, ^{Proviso.} that before registering any person as a qualified voter, the said officers of registration shall administer to him the following oath: "I do solemnly swear (or affirm) ^{Oath.} that I will true answer make to all questions necessary to ascertain my qualifications, or disqualifications, under the constitution, to be registered as a qualified voter;" *provided*, that nothing herein contained shall be construed to authorize said register to ask any questions touching cause of disqualification not expressly enumerated in the constitution. ^{Proviso.}

18. Said officers of registration shall, before striking from said list of qualified voters and from said books of registration the name of any registered person, diligently enquire, and accurately ascertain that said registered person does not possess, and before the election next ensuing will not possess, the requisite constitutional qualifications to entitle him to be registered as a qualified voter, or that such person is disqualified under the provisions of the second and third sections of the first article of the constitution; and if it shall appear that said registered person does not possess, or will not possess said qualification, and that he is so disqualified, then said officers shall strike the name of such person from said list of qualified voters and said books of registration; but if it shall appear otherwise, then said officer shall not strike the name of such person from said books of registration and from said list of qualified voters; and before registering as a qualified voter any person who has applied to said officers of registration to be registered as a qualified voter, said officer shall diligently enquire and accurately ascertain that such person possesses, or will possess before the election next

<sup>Ibid. s. 7.
Requisite qualifications for voters.</sup>

Disqualifica-
tions.

ensuing, the requisite constitutional qualifications to entitle him to be registered as a qualified voter, and that he is not disqualified under the provisions of the second and third sections of the first article of the constitution, and if it shall appear that said person so applying possesses or will possess, before said day of election said qualifications, and is not so disqualified, then said officers of registration shall register the name of such person as a qualified voter, but they shall not register the name of any person who does not, or will not possess said qualifications, or is so disqualified.

Ibid. s. 8.
What to be re-
corded in book.

19. In registering any person who shall apply to said officers of registration to be registered, said officers shall first record the name of such person in the proper column of said books of registration; and second, administer to him the oath as directed in this article, and enter in the column of said books whether he has not been sworn; third, his age; fourth, the place of his birth; fifth, his residence; sixth, the time he has resided in Baltimore city, or the county in which he applies to be registered; seventh, if naturalized, the date of his final paper or certificate of naturalization, and the court, county and state, when issued; eighth, if disqualified by non-age, non-residence, alienage or *non compos mentis*, or bribery, or conviction of bribery, or larceny, or other infamous crime as described in the second and third sections of the first article of the constitution, the cause of such disqualification; ninth, the name of the qualified voter, omitting from said ninth column the name of the person, so as above disqualified, and inserting in lieu thereof the name of the witness by whom said disqualification was established, or in case of conviction of bribery, or larceny, or other infamous crime, a statement of the record proof thereof, and in what court said conviction was had, or other proof by which such disqualification was established.

Ibid. s. 9.
Alphabetical
lists.

20. Immediately after the expiration of the days in which said officers of registration sat, commencing on the third Monday in September, they shall proceed without delay to make, or cause to be made, two alpha-

betical lists, one of which lists shall comprise the names of those registered persons which said officers have stricken from the lists of qualified voters and the books of registration, delivered to said officers by said clerks of courts, and the other one of said lists shall comprise the names of the persons which said officers of registration have not stricken from said lists of qualified voters and said books of registration, and also the names of the persons which said officers have registered, and also the names of those persons whom the judge of a court to which an appeal from the decision of said officers of registration has been taken, has decided to be entitled to be registered. And in the lists for Baltimore city, the residence of every voter shall be affixed opposite to his name, and said officers of registration shall cause said lists to be published in two newspapers in Baltimore city, one of which shall be published in the German language, and also by handbills posted in such places as they may select, in the several wards of Baltimore city, and the districts of the several counties.

Lists to be published.

21. For the purpose of correcting said book of registration and said list as made and published by said officers of registration, they shall, for three successive days, in the city of Baltimore, Baltimore county, Allegany county, and two days in the remaining counties of the state, commencing on the second Monday in October, and on the same day in every year thereafter, at some place in their respective wards and districts convenient to the voters thereof, sit with open doors from nine o'clock A. M., until nine o'clock P. M., in Baltimore city, and from nine o'clock, A. M., until six o'clock, P. M., in the counties; and they shall give at least five days' notice of the time and place of their sitting by publication in three newspapers published in Baltimore city, one of which shall be printed in the German language, and in one newspaper in each county in which a newspaper is published, and also by handbills posted at such public places as said officers shall select in said ward and district, and in case of change

Ibid. s. 10.
Time for correcting books, &c.

Notice.

in the places of sitting, shall at once publish in said papers notice of such change.

Ibid. s. 11.
Correcting
lists, &c.

Registering
names.

22. At the time and place published by said officers of registration for correcting said books of registration and lists as published by said officers, they shall proceed to strike from said books and said lists the names of all persons known or made known to them who have died, or who do not possess the requisite constitutional qualifications, or who will not possess said qualification before the election next ensuing, or who are disqualified under the provisions of the second and third sections of the first article of the constitution, and to register the name of every person who shall apply to them to be registered, who shall satisfy said officers of registration that they possess or will possess the requisite constitutional qualifications before the election next ensuing, and who is not qualified under the second and third sections of the first article of the constitution, and also the name of every person whom a judge of a court to which an appeal has been taken from the decision of said officers of registration has decided to be entitled to be registered as qualified voters.

Ibid. s. 12.
Names of quali-
fied voters.

23. Immediately after the expiration of the three days on which said officers of registration of Baltimore city, Baltimore county, and Allegany county, and of the two days on which the said officers of registration in the remaining counties of the state have sat to correct said books of registration and said lists, they shall proceed without delay to make or cause to be made an alphabetical list of the names of the qualified voters in their respective wards and districts, and the list of Baltimore city shall be arranged according to precincts, and the name of every voter shall be placed in the list of the precinct in which he resides, and for Baltimore county, where districts are divided into precincts, otherwise by district, the residence of each person shall be set opposite his name, and every person whose name appears in said collected list of qualified voters shall be entitled to vote at the polls in said district or precinct of the ward for which his name appears, at every elec-

Where to vote,

tion held thereat, until after another registration of voters has been duly published, except those persons who shall become disqualified by change of residence, and said officers of registration shall cause said corrected list of qualified voters to be published for two successive weeks before the fourth Monday of October, in two newspapers in Baltimore city, one of which shall be printed in the German language, and by hand-bills posted in such public places as said officers shall select, in the several precincts in Baltimore city and districts in the several counties.

24. Said officers of registration shall make or cause to be made, in books proper for the purpose, three fair copies of the list of qualified voters as made after the last sitting of said officers, one of said copies said officer shall deliver on or before the fourth Monday in October, to the sheriff of Baltimore city and to the sheriffs of the several counties respectively; one to the clerk of the superior court of Baltimore city, and to the clerks of circuit courts of the several counties respectively; and one to the register of wills of Baltimore city, and of the several counties respectively; and the said officers shall also deliver to said clerk of the said courts the books of registration.

Ibid. s. 13.
Copies of lists,
&c., to be furnished.

25. If any person shall deem himself aggrieved by the refusal of any officer of registration to register his name as a qualified voter, by reason of the decision of said officer that he has not the requisite constitutional qualifications of age, citizenship, non-residence, or is disqualified under the provisions of the second and third sections of the third article of the constitution, or by the refusal to register his name as a qualified voter for any other cause, or by the striking of his name from the list of qualified voters for any cause, he shall have the right to appeal by petition from such decision or action to the judge or judges of the circuit court of the county where he applied for registration, or to a judge of the supreme bench of Baltimore city, in case the person applied for registration in Baltimore city; and said judge or judges shall forthwith hear and determine that the party so appealing is entitled to be registered.

Ibid. s. 14.
Party aggrieved.

Right of appeal.

or to be restored to the list as a qualified voter, he shall so certify to the officer of registration from whose decision the appeal was taken, and the said officer shall thereupon register the said person as a qualified voter and in that case the cost of said appeal shall be paid by the mayor and city council of Baltimore or the county commissioners of the county in which the appeal was taken.

Ibid. s. 13.
Powers of
registers.

Issue commit-
ments, &c.

Fees.

Ibid. s. 16.
Duty of police
of Baltimore.

Lists of names,
&c.

26. Whilst discharging the duties imposed by the several sections of this article, said officers of registration shall have and exercise the powers of a justice of the peace for the preservation of order around the place of registration; may compel the presence of witnesses for the purpose of obtaining any information necessary to an intelligent discharge of the duties of their office; they shall have power to issue summons, attachments and commitments to any sheriff or constable, who shall serve such process as if issued by a judge of a court or a justice of the peace, and shall receive the same fees and in the same manner as are allowed by law in state cases; but the officers of registration shall not charge any fee for the issuing of such process or receive any fees or emoluments for this or any other service they may perform in the proper discharge of their duties, except that provided in this article.

27. The board of police commissioners for Baltimore city shall cause every police officer in Baltimore city to report to the commissioners of police the name, late residence and occupation of every male adult known to said police officer to have died within the limits of his beat, and the name, occupation and late residence of every male adult known to him to have removed from his beat, and whether said adult has removed beyond the limit of the precinct of which his beat forms a part; and said police commissioners shall cause an alphabetical list to be made of the names, residence and occupation of said adult, according to precinct, and deliver to the officers of registration for each precinct respectively, on or before the first day of the sitting of

said officers of registration next ensuing, and said board of police commissioners shall detail police officers sufficient to preserve order at the places where said officers of registration for Baltimore city are discharging the duties of their office.

28. Said clerks of courts and said register of wills shall issue under seal to any person applying to them whose name appears on the list of qualified voters in their offices respectively, a certificate that said applicant is a registered qualified voter, which certificate shall, upon presentation to the judges of election entitle the holder to vote at the precinct or district at which he offers to vote, *provided* that he has satisfied said judges that he is the person named in said certificate, and that he has acquired the residence necessary to entitle him to vote at said precinct or district, and that he has delivered to said judges said certificate to be filed with the lists of voters or books of registration for said ward or district; and *provided* further, that no registration of voters has occurred in said ward or district since the holder of said certificate had obtained a residence therein; and said clerk or register of wills shall record the name of every person to whom such a certificate has been issued, and deliver to the officers of registration at the next ensuing sitting of said officers, a certified copy of said names, so that thereby said officers may be informed that such person intended to change his residence, but residence shall not be considered as changed until six months after actual removal from the city, county, legislative, congressional or electoral district in which a voter has been registered.

Ibid. s. 17.
Certificate.

Proviso.

Proviso.

Change of residence.

29. Said clerks and register of wills shall receive said copies of lists of qualified voters and file the same in their offices as other papers are filed, and said clerks shall receive and preserve the books of registration, and said clerks and registers in the city of Baltimore shall record said lists, and said clerks shall permit examination of the lists of voters and books of registration in their custody, and said register of wills shall permit examination of the lists of voters in their cus-

Ibid. s. 18.
Clerks, &c., to
file copies of
lists, &c.

Records.

tody only in the manner herein prescribed and in the manner allowed in relation to the records of their respective offices, and in their presence or in the presence of their deputies, and they shall not alter, mutilate or deface or suffer others to alter, mutilate or deface the said lists of voters or books of registration except as herein provided for, and said clerk and register of wills, when notified by the sheriff that any one or more of the lists of voters committed to his custody are missing, proceed without delay to make or cause to be made a fair and accurate copy or copies of said list or lists, and deliver the same to said sheriff at least twelve hours before the opening of the polls at the election next ensuing.

*Ibid. s. 19.
Sheriffs to
receive copies*

Missing lists.

Sheriff to deliver lists to judges of election.

*Ibid. s. 20.
Judges to return list of election, &c.*

30. The sheriff of Baltimore city and the sheriff of the several counties respectively shall receive and safely keep said copies of lists of qualified voters, delivered to him by the officers of registration, and shall on the second day prior to each and every election ascertain whether he has in his possession all the copies of said lists committed to his custody, and if it shall appear that any one or more of said lists are not in his possession he shall without delay serve a written notification accurately describing the missing list on the clerk of the court or the register of wills as he may elect having in their custody copies of said lists of the city or county of which he is the sheriff, that said list or lists are not in the possession of said sheriff, and said sheriff shall receive a copy of said missing list or lists when tendered to him by said clerk or register of wills, and said sheriff shall deliver or cause to be delivered on the day of each and every election at the polls at or before the time of opening said polls to the judges of election thereat the copy of the list of qualified voters pertaining to the election precinct or district over which said judges are to preside.

31. The judges of election shall receive from the sheriff the list of qualified voters pertaining to their respective precincts or districts, and preserve the same

without alteration, mutilation or defacement whilst in their possession, and shall within three days after the close of the polls return to said sheriff the said list of qualified voters; and the said judges of election shall not receive or deposit in the ballot box the ballot of any person offering to vote until they shall have found his name on the list of qualified voters and have checked it thereon except such persons as shall present a certificate of registration as herein provided, and they shall receive and deposit in the ballot box the ballot of every person offering to vote whose name appears on said list of qualified voters, and of every person who presents to said judges a certificate of registration as provided in this article.

32. Said officers of registration shall receive four dollars per day for each day necessarily employed in the discharge of the duties imposed on them by this article; said clerks of courts and registers of wills of Baltimore city shall receive one cent for every ten words or figures, and *pro rata* for recording lists of qualified voters and for making certified copies of said lists; the clerks of courts and register of wills in the several counties and the city of Baltimore shall receive twenty-five cents for every certificate of registration issued by them under the seal of their respective offices, and said sheriff of the several counties shall receive one dollar, and the sheriff of Baltimore city shall receive for every list of qualified voters delivered by them to the judges of election to be paid to said officers of registration, clerks of courts, register of wills and sheriff for Baltimore city, by the mayor and city council of Baltimore, and to said officers for the several counties by the county commissioners thereof respectively; and the necessary expenses incurred by said officers of registration for books, stationery, fuel, office rent and for publication of notices and lists of voters for Baltimore city shall be paid by the mayor and city council of Baltimore, and like necessary expenses incurred for the several counties shall be paid

Duty of judges
of election.

Ibid. s. 21.
Per diem of
officers of regis-
tration, &c.

Cost of record-
ing, &c.

Certificates, &c.

Sheriff's costs,
&c.

Accounts to be approved.

by the county commissioners thereof respectively, the accounts of said officers of registration to be verified by vouchers and subject to the approval of said mayor and city council and said county commissioners respectively.

Ibid. s. 22.
Neglect or refusal of register, clerk of court, &c.

33. If any officer of registration, or clerk of a court, or register of wills, or sheriff, or judges of election, or police commissioners, shall knowingly refuse or neglect to comply with any of the provisions of the several sections of this article imposing duties on him, he shall be deemed guilty of a misdemeanor and shall on presentment and indictment therefor and conviction thereof forfeit and pay a fine of not less than five hundred nor more than one thousand dollars for every such offence, or be imprisoned in the discretion of the court for a time not exceeding three years or both, and shall also be liable in damages at the suit of the party aggrieved.

Penalty.

Damages.

Passed and approved March 30, 1868.

PAYMENT OF REGISTRATION CLERKS.

1868, c. 166 entitled an act to authorize and empower the county commissioners of Washington and Allegany counties to levy a sum of money upon the taxable property within their respective counties sufficient to pay the several clerks of the registers of voters within the said counties, enacts that the county commissioners of Washington county, and the county commissioners of Allegany county, be, and they are hereby authorized and empowered to levy upon the taxable property within their respective counties, a sum of money sufficient to pay the several clerks of registers of voters employed by the said registers in the years eighteen hundred and sixty-five, eighteen hundred and sixty-six, and eighteen hundred and sixty-seven, and that the said commissioners shall ascertain and cause to be paid such clerks, the several and respective sums for services to which each of the said clerks shall be found to be entitled.

In force and approved March 20, 1868.

ARTICLE LXXXI.

Revenue and Taxes.**ASSESSMENT.**

1. Time extended to hear appeals, &c.: refunding money.
2. Amount of tax.
3. Object of tax.

BANKS.

4. Assessment for public schools: proviso: free school fund tax.
5. Recovery of tax by law.

COLLECTORS.

33. Appointment of collectors by county commissioners, &c.: compensation: per centum.

34. Sub-Sec. 1. Collectors' bonds in counties: to what counties not applicable: proviso.

Sub-Sec. 2. Collector's bond in Baltimore city.

Sub-Sec. 3. Collectors in Baltimore to make deposits to credit of treasurer: in what bank: removal and suit.

Sub-Sec. 4. Examination of books of collector in Baltimore.

35. Bonds to be recorded.

39. When governor to appoint collectors: bond.

75. Levy for commissions: Calvert county.

PAYMENTS INTO TREASURY.

146. Duty of clerks and registers.

147. Suit on bond: removal.

148. Payment of taxes by mistake: proceedings when not paid into treasury, petition to circuit court, what to contain: rule on collector: hearing: decree of court: attachment or execution: costs.

149. What court to have jurisdiction, when taxes paid into treasury: comptroller to report to general assembly.

150. Payments generally into treasury by mistake: proceedings.

151. Right of appeal: proceedings.

ASSESSMENT.

1868, c. 126 enacts the following:

SEC. 1. The time of the county commissioners of the several counties of this state, and of the appeal tax court of Baltimore city, to hear and determine the complaints and appeals of persons who may consider themselves aggrieved by the valuation of the assessors of property under the act of eighteen hundred and sixty-six, chapter one hundred and fifty-seven, is hereby extended to the first of July, eighteen hundred and sixty-eight, with full power and authority to abate or increase said valuation, and correct the returns accordingly under said act of eighteen hundred and sixty-six, chapter one hundred and fifty-seven, and said commissioners of the several counties of this state, or the appeal tax court of Baltimore city, may in their

1868, c. 126.
Time extended
to hear appeals,
&c.

Refunding
money.

discretion, in case the assessment is abated as aforesaid, refund any sum of money that may have been collected on said erroneous valuation.

In force and approved March 17, 1868.

1868, c. 371 enacts the following:

1868, c. 371.
Amount of tax.

2. The county commissioners of the several counties of this state, and the mayor and city council of Baltimore city, are hereby directed to levy an annual tax of nineteen cents on each hundred dollars of the assessable property of this state, and to be based upon the assessment of eighteen hundred and sixty-six, to be collected in the manner prescribed by the code of public general laws, and to be apportioned as provided in the next section.

Ibid, s. 2.
Objects of tax.

3. An annual tax of three cents on each one hundred dollars of the assessable property shall be levied for the use of the state, in aid of other sources of revenue, for the support of government; an annual tax of five and one-half cents on each one hundred dollars to meet the interest and to create a sinking fund for the redemption of the defence or bounty loan; an annual tax of ten cents on each one hundred dollars to aid in the support of free public schools, to be distributed among the counties and the city of Baltimore, as provided in the act establishing public schools, and a tax of one-half of one cent on each one hundred dollars to meet the interest and create a sinking fund for the redemption of the bonds of the southern relief loan.

In force and approved March 30, 1868.

1868, c. 81 entitled an act to make valid the levy of state tax made by the county commissioners of Allegany county for the year eighteen hundred and sixty-seven, recites that whereas, the county commissioners of Allegany county, under a mistaken view of their duty and powers, levied a tax of twelve cents on the one hundred dollars for the use of the state, for the year eighteen hundred and sixty-seven, upon the basis of the assessment of the year eighteen hundred and sixty-six, instead of a tax of twenty cents on the one hundred dollars on the assessment of the year eighteen hundred and fifty-two. And whereas, the amount so levied for the use of the state being as great as would have been realized from the latter rate on the said assessment of eighteen hundred and fifty-two; in order, therefore, to avoid all difficulties

arising from the manner in which said levy was made, therefore, it enacts that the levy of the state tax made by the county commissioners of Allegany county, for the year eighteen hundred and sixty-seven, of twelve cents on the one hundred dollars, on the basis of the assessment of the year eighteen hundred and sixty-six, instead of twenty cents on the one hundred dollars on the basis of the assessment of eighteen hundred and fifty-two, be and the same is hereby made valid and binding to all intents and purposes. That all other acts heretofore passed by the general assembly of Maryland, inconsistent with this act, be and the same are hereby repealed and declared inoperative so far as Allegany county is concerned.

In force and approved February 26, 1868.

BANKS.

1868, c. 239 enacts the following:

4. All banking corporations or institutions, whether chartered by this state or doing business therein, shall, on the first Monday in January, in each and every year, annually pay or cause to be paid to the treasurer of the state, the sum of twenty cents on every one hundred dollars of the capital of said bank or institution then actually paid in, to be applied by said treasurer in augmentation of the free school fund of the state, *provided* that nothing in this act shall be construed to require those banks or other institutions in the state, which now pay the free school fund tax, under their existing charter, to pay any other or additional tax for the same purpose.

1868, c. 239.
Assessment for
public schools.

Proviso.

Free school
fund tax.

5. In the event of any such bank or institution failing to pay the tax herein imposed, annually, on the day limited, that the same shall be recovered by suit at law, to be instituted by the attorney general of the state, in the name of the state.

Recovery of tax
by law.

In force and approved March 30, 1868.

COLLECTORS.

1868, c. 366 repeals sections 33, 34, 35 and 39, as amended by 1865, c. 155, [Sup. 256,] and section 75 of this article, and enacts the following in lieu thereof

33. The county commissioners in the several counties and the mayor and city council of Baltimore shall, on the first Tuesday in April in each year, or as soon

1868, c. 366.
Appointment of
collectors by
county com-
missioners, &c.

thereafter as may be, appoint a collector or collectors for their respective counties, and one collector for Baltimore city, for the collection of taxes levied, or to be levied for the current year, and it shall not be lawful for the local authorities of the said counties or the municipal authorities of said city, to provide any fixed annual or other stated compensation for the collection of the state taxes, or a compensation or a salary of any kind, to the said collectors for their services in collecting the state taxes, otherwise than by a per centum on the amount of their collections as contemplated in the seventy-fifth section of this article.

Compensation.

Per centum.

Collectors' bonds in counties.

34. Sub-Sec. 1. Every collector of county taxes, before he acts as such, shall give bond to the state of Maryland in a penalty of double the amount of such tax to be collected by him, with good and sufficient securities to be approved in the several counties by the county commissioners, with condition that if the above bound shall well and faithfully execute his office, and shall account for and pay to the county commissioners, or their order, the several sums of money which he shall receive for the county, or be answerable for by law, at such time as the law shall direct, and every collector of state taxes appointed by the county commissioners, shall also give a separate bond to the state of Maryland in a penalty double the amount of the tax to be collected by him, with good and sufficient securities, to be approved by the governor, with the condition that if the above bound shall well and faithfully execute his office, and shall account for and pay to the treasurer of the state the several sums of money which he shall receive for the state, or be answerable for by law, at such times as the law shall direct, then the said obligation to be void, otherwise to remain in full force and effect; *provided*, however, the provisions of this act shall not apply to Baltimore, Allegany, Charles, Montgomery, Somerset, Wicomico and Anne Arundel counties.

Account for money.

Proviso.
To what counties not applicable.

Collector's bond in Baltimore city.

Sub-Sec. 2. Every collector of state taxes in the city of Baltimore, before he acts as such, shall give a bond

to the state of Maryland in a penalty of seventy-five thousand dollars, to be approved by the governor, with the conditions that if the above bound shall well and faithfully execute his office, and shall account for and pay to the treasurer of the state the several sums of money which he shall receive for the state, or be answerable for by law at such times as the law shall direct, then such obligation to be void, otherwise to remain in full force and virtue in law.

Sub-Sec. 3. Every collector of state taxes in the city of Baltimore shall make daily deposits of such sums of money as he shall receive for taxes collected for said state, less the amount of commissions allowed him for the collection of the same, to the credit of the treasurer of the state of Maryland, in some bank in said city, which pays to the state the school tax as provided by law, to be designated by said treasurer, and on failure to make such daily deposits he shall, on proof thereof to the satisfaction of the governor, be liable to removal from office by the governor, and the comptroller shall immediately enter suit upon his bond.

Collectors in Baltimore to make deposits, to credit of treasurer.

In what bank.

Removal and suit.

Sub-Sec. 4. The treasurer of the state shall make weekly examination of the books of the collector of state taxes in Baltimore city, whose books shall always be open to such inspection.

Examination of books of collector in Baltimore.

35. The said bonds when approved by the county commissioners shall be recorded in the office of the clerk of the circuit court of the respective counties, and when approved by the governor shall be filed in the office of the comptroller of the treasury.

Bonds to be recorded.

39. If there be no collector of state taxes qualified and compensated in conformity with the foregoing provisions in any of the counties or in the city of Baltimore, by the first day of May in any year, the governor shall appoint from any part of the state, a collector or collectors for the said county or city, who shall give bond with sureties, to be approved by the governor, and be in all respects on a footing with other state collectors' bonds as provided in the case of collectors appointed by the mayor and city council of Baltimore,

When governor or to appoint collectors.

Bond.

and the county commissioners and the said collectors shall have all the powers of other collectors.

Levy for commissions.

Calvert county.

75. The county commissioners and the mayor and city council of Baltimore shall levy upon their respective counties and the city of Baltimore within twenty days after collectors shall have been appointed, such commission as will, in their judgment, insure a speedy collection of said taxes, not exceeding five per centum on the amount to be placed in the hands of said collectors for the counties for collection, except in Calvert county, where it shall not exceed six per centum, and not exceeding two per centum on the amount to be placed in the hands of said collector for the city of Baltimore, said commission to be levied for the use of such collectors respectively, and to be collected as other charges are collected.

In force and approved March 30, 1868.

PAYMENTS INTO TREASURY.

1868, c. 196 repeals and re-enacts sections 146 [Sup. 266] and 147 of this article as follows:

1868, c. 196.
Duty of clerks
and registers.

146. It shall be the duty of the several clerks and the several registers of wills in this state to account with, upon oath, and pay to the treasurer on the first Monday of March, June, September and December in each and every year all sums of money received by them respectively under this article, for which they shall be allowed a commission of five per centum upon the amount so paid over.

Suit on bond.

147. If any of the said clerks or registers shall fail to account and pay over as required in the last preceding section, the comptroller shall in thirty days thereafter give notice thereof to the states attorney for the county or city, whose duty it shall be to put the bond of such clerk or register in suit for the use of the state, in which suit a recovery shall be had for the amount appearing to be due with interest at the rate of ten per cent. per annum from the date or dates when

the same was payable as aforesaid, which recovery shall be evidence of misbehaviour, and upon conviction thereof the said clerk or register shall be removed from office, which shall thereupon be filled as prescribed by the constitution, and such failure on the part of any clerk or register shall amount to a forfeiture of the commission to which he would otherwise be entitled.

Removal.

In force and approved March 28, 1868.

1868, c. 302 entitled an act to provide for refunding money paid into the state treasury enacts as follows :

148. If any person or corporation in this state shall have heretofore paid or shall hereafter pay by mistake whether of law or fact to any lawful collector of state taxes any larger sum than was properly payable, and such taxes shall not have been paid by such collector into the treasury of the state, such person or corporation may file a petition in the circuit court of the county in which such person resides or in which such corporation has its principal place of business or in Baltimore city court, if such person has his residence or such corporation its principal place of business in the city of Baltimore, stating in the said petition to whom said taxes were paid and when and the amount thereof, and on what account and for what year the taxes were so paid, and all the facts necessary to enable the court to determine the question involved; and thereupon the said court shall lay a rule requiring the tax collector to whom said taxes were paid to answer the petition by a day named, which rule shall be served on such collector; and the states' attorney for the county or city of Baltimore in which the said petition shall be filed shall appear to said proceedings on behalf of the said collector without charge, and if the court after a hearing of the matter of said petition in such manner and according to such regulations for ascertaining the facts of the case, as it shall by its rules prescribe, shall be of opinion that the taxes alleged

1868, c. 302, s. 1.
Payment of
taxes by mis-
take.

Proceedings
when not paid
into treasury.

Petition to cir-
cuit court.

What to con-
tain.

Rule on collec-
tor.

Hearing.

to have been paid by mistake were not legally demandable of said petitioner and were paid by mistake, then it shall so declare and adjudge that the amount found to have been overpaid shall be returned to the petitioner by the said collector deducting therefrom, however, any arrears of state taxes which may be shown to be due by said petitioner for any other years, or on any other account; and such judgment may be enforced by attachment or execution against the said collector, and his official bond shall also be responsible for said judgment; the cost of the aforesaid proceedings shall be regulated by the court and paid by the petitioner or defendant as the court shall in its discretion determine; and for such portion of the costs as shall be awarded to be paid by the collector he shall be allowed in his settlements with the comptroller of the treasury.

Ibid. s. 2.
What court to have jurisdiction, when taxes paid into treasury.

Decree of court.

Attachment or execution.

Costs.

149. If at the time of the filing of the petition, provided for in the next preceding section, the taxes so alleged to have been paid by mistake shall have been paid into the treasury of the state, then the said petition shall be filed in the circuit court for Anne Arundel county, and the comptroller of the treasury shall be made defendant thereto in the place and stead of the tax collector, and the attorney general shall appear for him without charge, and like proceedings shall thereupon be had as are provided for in the next preceding section; but no execution or attachment shall issue against said comptroller, but he shall report the said judgment against him if any be obtained to the general assembly, if then in session, to the general assembly at its next session in order that the payment of the same may be provided for by law.

Comptroller to report to general assembly.

Ibid. s. 3.
Payments generally into treasury by mistake.

150. If any person or corporation has paid or shall pay by mistake of law or of act any money into the treasury of the state, or shall have paid or shall pay on account of the state any sum or sums of money which the state was by law bound to have paid, the said person or corporation may file a petition in the circuit court of Anne Arundel county, as provided for in the preceding section, and the comptroller of the

treasury shall be made defendant thereto and the attorney general shall appear for him, and like proceedings shall be thereupon had as are provided for in the two preceding sections of this act; but no execution or attachment shall issue against said comptroller, but he shall report the judgment against him if any be obtained to the general assembly, if then in session, or at its next session, in order that the payment of the same may be provided for by law. Proceedings.

151. Any of the parties to the said proceedings herein before provided for shall have the right to appeal to the court of appeals from any judgment of any of the courts heretofore named; and upon such an appeal being prayed the record of the said cause shall be forthwith transmitted to the court of appeals if then in session or to the next term thereof if not in session; and the said cause so transmitted shall be placed upon the special docket of the said court, and shall be heard and determined at the first session of the said court after the transmission of the said record as aforesaid. Ibid. s. 4.
Right of appeal.
Proceedings.

In force and approved March 30, 1868.

NOTE.—The above law was prepared by Messrs. Gwinn, Mauleby and Carter, Commissioner appointed by the Governor to draft laws, under section 48 of Art. 3 of Const. See notes, pp. 19, 22, 98.

1868, c. 152 exempts from all state and county taxes and charges whatsoever for ten years from March 20, 1868, the structure of the Maryland and Virginia Bridge Company over the Potomac river, between Shepherdstown and Washington county, and which lies in this state. 1868, c. 272 exempts from state and city taxation the real and personal property of the General German Protestant Orphans' Association of the city of Baltimore; provided, the assessable property of said association does not exceed in value \$100,000.

ARTICLE LXXXVIII.

Sheriffs.

SERVING PROCESS.

1. Returns: rule on sheriff: judgment against him: proviso.

SERVING PROCESS.

1868, c. 203 adds the following section to this article:

1868, c. 203.
Returns.

Rule on sheriff.

Judgment
against sheriff.

Proviso.

SEC. 1. If any sheriff shall make return to the court of any *feri facias*, attachments, *venditioni exponas*, that he has seized the property of the defendant which remains unsold, or that the property heretofore levied upon remains in his hands unsold for want of buyers, or that the defendant has satisfied the plaintiff or his attorney, the debt or claim or any part thereof mentioned in the said process, the said plaintiff or his attorney may apply to the said court for a rule on the said sheriff or late sheriff as the case may be, to bring the said money into court or before a judge thereof on a day to be named in the said rule, or show good cause to the contrary, and upon the failure of the said sheriff or late sheriff to bring said money into court, or before the said judge at the time mentioned in the said rule or any other day to be named by the said judge the amount of the debt, damages, interest and costs to be ascertained by the plaintiff or attorney, or such other proof as the judge may require, the said court or judge in the recess may cause judgment to be entered by the clerk against the said sheriff for the plaintiff's claim, interest and costs in favor of the plaintiff without stay of execution, and without the right of the defendant to supercede or appeal from the same; *provided*, that the said court or judge thereof shall be satisfied that the said sheriff has received the said debt, interest and costs or any part thereof from the defendant in the said pro-

cess, and that his said return of process is false and untrue, and the remedy under this section shall not prejudice the plaintiff's right to proceed against the bond of the sheriff by suit.

In force and approved March 28, 1868.

ARTICLE XCIII.

Testamentary Law.

GUARDIAN AND WARD.

167. Sales and investments: leasehold estates: proviso.

SALSA.

284. Trustee: sale and ratification, &c.: proviso.

GUARDIAN AND WARD.

1868, c. 380 amends section 167 of this article to read as follows:

SEC. 167. The orphans' court, if they shall think such sale advantageous to the ward, may order any guardian to sell leasehold estates of his ward, and shall order the proceeds to be invested in bank stock or any other good security, in the name of the ward, and no sale, transfer or disposal of the said stock shall be made without the order of the court. The said court may, also, if they shall think the same advantageous to the ward, order any guardian to lease any leasehold estates of the ward, for the whole or any part of the unexpired term, on such terms as may be deemed advantageous; *provided* that such agreement for a lease shall not have any effect until reported to and approved by the court, and the rents arising on each lease shall be accounted for as other property or income of the ward.

1868, c. 380.
Sales and investments.

Leasehold estates.

Proviso.

In force and approved March 30, 1868.

SALES.

1868, c. 336 repeals 1865, c. 162, s. 4, [Sup. 303,] and enacts the following as a substitute therefor:

1868, c. 336.
Trustee.

Sale and ratifi-
cation, &c.

Proviso.

284. The orphans' courts shall have the authority to appoint a trustee to make such sales, which trustee may be the administrator or any other person, in the discretion of the court, and who shall give bond with security, to be approved by the orphan's court or the register of wills, and proceed with such sale in the manner usually practiced in the courts of equity in this state; and upon the ratification of such sale by the orphans' court and the payment in full of the purchase money, and not before, the said trustee shall proceed to convey the title of said intestate to said real estate in the same manner as trustees under the appointment of circuit courts are now authorized to do, and the said orphans' court may allow the same commissions to any trustee so appointed as are now allowed to a trustee appointed to sell under a decree in equity; *provided*, that nothing herein contained shall apply to any cases now pending in said courts.

In force and approved March 30, 1868.

ARTICLE XCIV.

Treasurer.

1868, c. 155, entitled, an act to repeal a part of the first section of an act entitled an act to carry into effect the eighth section of the act, entitled an act for the promotion of internal improvements, passed at December session, 1835, c. 395, passed as January session, 1860. c. 303, repeals so much of the first section of 1860, c. 303, as provides that the treasurer shall not pay more than one-fourth of the whole amount of money applied under that act, in any one year.

Approved March 20, 1868.

See 1868, c. 296, under Public Local Laws, Art. XXIII, Worcester county.

ARTICLE XCVI.

Weights and Measures.

GRAIN.

25. Charges for freight, measurement, &c., of grain: penalty: proviso: right of appeal.

GRAIN.

1868, c. 445 adds the following section to this article:

SEC. 25. All charges for freight, measurement, weighing, inspection, wharfage and commission on grain, shall be made on the number of bushels as ascertained by weight and not by the running measure, and any one found guilty of a violation of this section shall, on conviction thereof before a justice of the peace, be fined not less than five nor more than fifty dollars, one-half to the informer and the other half to the use of the state; *provided*, that any one feeling himself aggrieved by any such judgment, shall have the right of appeal to the circuit court of the county or the Baltimore city court as the case may be, on giving bond in the usual form to prosecute such appeal, and for the payment of the judgment and costs if such judgment should be affirmed.

1868, c. 445.
Charges for
freight measurement, &c.,
of grain.

Penalty.

Proviso.

Right of appeal.

Passed and approved March 30, 1868.

ARTICLE XCVIII.

Wild fowl.

16. Hooper's Island, Dorchester county.

1868, c. 92 enacts the following:

1868, c. 92.
Hooper's
Island,
Dorchester
county.

SEC. 16. The citizens of Hooper's Island, Dorchester county, are hereby authorized and permitted to take and shoot wild fowl in or from sink boats, blinds or otherwise, for home consumption, within the waters surrounding said island not exceeding one mile from the shores of said island.

In force and approved March 3, 1868.

PUBLIC LOCAL LAWS.

ARTICLE I.

Allegany County.

BLOOMINGTON.

1. Town incorporated.
2. Election of commissioners.
3. Judges of election : polls : returns.
4. How elections to be conducted.
5. President of board.
6. Meetings of commissioners, &c.
7. Clerk to board : his duties, &c.
8. Fines and forfeitures.
9. Limits : taxation.
10. By-laws, regulations and ordinances.
11. Bailiff.
12. Banking prohibited, &c.
13. When to take effect: election: for or against.

COUNTY COMMISSIONERS.

18. Clerk's compensation.

CUMBERLAND.

23. Survey and bounds : proviso.

FENCES.

69. Impounding horned cattle, &c. : height of fences prescribed.

ROADS.

142. Superintendents of public county roads.
143. Duty of judges of orphans' court.
144. Duty of county commissioners.
145. Superintendents' bonds.
146. Superintendents' returns : compensation.
147. Commissioners.

148. Commissioners' powers.
149. Report.
150. Levy : proviso : new or old road.
151. Superintendent : his duties : compensation.
152. Specific levy.
153. Superintendents' bond : returns.
154. Levy for repairing road.
155. Superintendent : bond.
156. Returns.

SHERIFF.

159. Fifty cents per day : convicts to penitentiary.

WEIGHTS AND MEASURES.

170. Keeper and inspector : compensation.
171. Standard weights and measures : levy.
172. Duty of keeper and inspector : penalty.

WESTERNPORT.

173. Town incorporated.
174. Election of commissioners.
175. How elected.
176. Future elections.
177. President.
178. Vacancy, how filled : notice.
179. Clerk.
180. Fines and forfeitures.
181. Limits of town.
182. By-laws, regulations and ordinances : tax-s.
183. Bailiff.
184. No banking privileges : reservation.

BLOOMINGTON.

1868, c. 459 enacts the following and repeals all acts inconsistent therewith :

1868, c. 459, s. 1.
Town incorporated.

SEC. 1. The citizens of the town of Bloomington, in Allegany county, shall be constituted and made a body corporate by the name of the commissioners of Bloomington, with all the privileges of a body corporate, and to have a common seal and perpetual succession.

Ibid. s. 2.
Election of commissioners.

2. The male white citizens of Bloomington, aforesaid, of the age of twenty-one years and upwards, being citizens of the United States, who have resided in said town for and during six months next preceeding the first Monday in May next, eighteen hundred and sixty-eight, may, on that day, at the place designated by the three judges appointed as hereinafter provided, in said town, and on the first Monday in June, in each and every year thereafter, at such houses as thereafter shall be designated by the municipality, be authorized to elect five commissioner for said town, who also shall have resided within the limits of the same six months next preceeding the election.

Ibid. s. 3.
Judges of election.

Polls.

3. A justice of the peace for the time being, holding office in said town, shall appoint, by writing, under his hand and seal, three judges to hold the first election, who shall keep the polls open from nine o'clock in the morning until five o'clock in the afternoon, and shall conduct the said election in the same manner in which the judges of elections have been directed to conduct an election for delegates to the general assembly, by all acts passed at the January session, eighteen hundred and sixty-seven, relating to holding of elections, and the said judges shall make return under their hands and seal of the persons elected, to the clerk of Allegany county, to be retained by him.

Returns.

Ibid. s. 4.
How elections conducted.

4. All future elections shall be held and conducted as shall from time to time be directed by the laws of the corporation, the same not being inconsistent with the provisions of this act or laws of this state.

5. Said commissioners elected according to the provisions of this act shall, on the first meeting after said election, choose some one of said commissioners as president of the board, whose duty it shall be to preside at the meetings of said commissioners, and preserve order and give such directions as may be deemed necessary by the said commissioners to carry into effect the full provisions of this act.

Ibid. s. 5.
President of board.

6. The commissioners aforesaid, or a majority of them, may meet together from time to time as occasion may require, upon the business of said town, and not less than once in three months, and if during the year for which they may be elected, should die, resign, remove from said town, or be otherwise disqualified, an election to fill the vacancy, on ten days' notice thereof being given by the commissioners, shall be held, at which all persons qualified as specified in the second section of this act shall be entitled to vote.

Ibid. s. 6.
meetings of commissioners, &c.

7. The said commissioners or a majority of them, shall have power to appoint a clerk and assign his duties, and allow him such compensation for such services as they may think proper, and all ordinances passed by said commissioners, or a majority of them, shall by their clerk be entered into a book to be kept by him for that purpose, and shall be open at all times for the inspection of any person interested, and copies of all ordinances shall be put up in the most public places of said town, that the same may be generally known.

Ibid. s. 7.
Clerk to board.

His duties.

8. All fines and forfeitures under the ordinances of the said corporation, shall be recoverable as small debts are recoverable out of court before any justice of the peace.

Ibid. s. 8.
Fines and forfeitures.

9. The limits of said town shall extend to the distance of one-half of a mile each way from the public well in said town, and the property within said limits shall be subject to such taxes and charges as may be deemed necessary by said commissioners, or a majority of them, to support or maintain the expenses that may occur from time to time in the improvement of said town.

Ibid. s. 9.
Limits.

Taxation.

Ibid. s. 10.
By-laws, regu-
lations and
ordinances.

10. The said commissioners, or a majority of them, shall have full power to make all such by-laws and regulations and ordinances not inconsistent with the laws and constitution of this state, as from time to time they may deem wise, equitable and expedient for the comfort, health, convenience and property of said town and its inhabitants, for the prevention and removal of nuisances, preservation of health, and suppression of vice and immorality within the limits of said town, and shall have power to lay an equal tax upon the property within the said limits to such amount as from time to time may be deemed necessary to accomplish the purposes aforesaid, which tax shall be collected and paid to the president and commissioners by the collector by them appointed, who shall have the same power to distrain therefor as the collector of public county assessments has to distrain for same, and the said president and commissioners shall fix the term of office, amount of bond and compensation of such collector.

Ibid. s. 11.
Bailiff.

11. The said commissioners, or a majority of them, shall have full power and authority to annually appoint a bailiff, whose duty it shall be to preserve the peace and good order of said town, and for this purpose he is hereby invested with the same power and authority as any constable may now have under the laws of this state.

Ibid. s. 12.
Banking pro-
hibited, &c.

12. Nothing herein contained shall be so construed as to authorize the corporation hereby created to issue any device, certificate or evidence of debt to be issued as currency, and the legislature reserves the right to amend or repeal this charter when the same shall be deemed advisable.

Ibid. s. 14.
When to take
effect.
Election.

13. This act shall not go into operation or take effect until the same shall have been submitted to a vote of the citizens of Bloomington, residing within the limits described and specified in sections one, two and nine of this act, and it shall be lawful to hold said election for the acceptance or rejection of this act, on the same day and in the same manner as is directed and prescribed

for the election of commissioners of said town of Bloomington, by sections one, two, three and nine of this act, and if a majority of the votes cast at the election held under the authority given by this section shall be for the acceptance of this act, or if a majority of votes cast at said election shall be against the acceptance of this act, the said judges of election herein provided for under this section, shall make out a correct list of all the names of the persons voting at said election and certify under oath the result of said election to the clerk of the circuit court of Allegany county, to be by him recorded in said office. If a majority of the votes cast at said election shall be for the acceptance of the act, then and in that event the said act shall be in full force and effect, but if a majority of the votes cast at said election shall be against the acceptance of this act, then and in that event the said act shall become null and void and of no effect.

For or against.

Passed and approved March 30, 1868.

BRIDGES.

1868, c. 470 enacts that Samuel M. Haller, T. B. Davis, Nimrod Allkire, Thomas Carskaden, Roland S. Dayton and Aquilla B. McCarty, be and they are hereby constituted and appointed commissioners, with full power and authority to contract for the building of a bridge over the Potomac river, provided the navigation of said stream be not interfered with or obstructed at such point near the mouth of New creek, as they or a majority of them may deem most suitable and convenient, on such plan as they or a majority of them shall adopt as most practicable, and are likewise authorized to receive and collect contributions and subscriptions sufficient to enable them to pay for such bridge.

That said commissioners or a majority of them, are hereby empowered to acquire, by purchase or otherwise, such lands as may be necessary to construct the abutments for said bridge, as well as to secure the right of way for roads leading from the county roads so as to enable all species of travel to reach said bridge.

That after the completion of said bridge, the county commissioners of Allegany shall appoint a committee of three persons (one of whom shall be an engineer) to examine said bridge, and if said committee shall report that in their judgment said bridge is built in a substantial manner, then the commissioners of Allegany county may, in all future time, keep said bridge, together with the abutments and approaches in said county in good repair as other bridges and roads are kept in repair, and that said bridge shall forever be free for all species of travel.

1868, c. 103 authorizes and empowers the commissioners of Allegany county to levy such sum or sums of money as they deem necessary in their judgment, to aid in the construction of a bridge across the Potomac river at Westernport, in Allegany county.

COUNTY COMMISSIONERS.

1868, c. 84 repeals and re-enacts section 18 as follows:

1868, c. 94.
Clerk's com-
pensation.

18. He, (the clerk of the county commissioners,) shall be entitled to such compensation as shall be fixed by the county commissioners not exceeding six hundred dollars.

In force and approved March 3, 1868.

CITY OF CUMBERLAND.

1868, c. 110 repeals section 23 as amended by 1864, c. 121 [Sup. 319] and re-enacts the same as follows:

1868, c. 110.
Survey and
bounds.

23. The survey made under the authority of the mayor and city councilmen of the city of Cumberland, and entered upon the record of their proceedings, and recorded in the office of the clerk of the circuit court for Allegany county, shall constitute the bounds and limits of said city, but the mayor and councilmen of said city shall have full power and authority to extend the bounds and limits thereof not exceeding one mile from the present limits whenever they shall deem expedient, and shall, whenever they extend the same, record the survey of every such extension among their own proceedings and among the land records of said Allegany county; *provided*, however, that for all sanitary and police purposes the mayor and city councilmen of said city shall have and exercise full authority and control for one-half mile in every direction beyond the bounds and limits of said city.

Proviso.

In force and approved March 7, 1868.

1868, c. 119 enacts the following: That the mayor and councilmen of the city of Cumberland be, and they are hereby authorized and empowered to purchase within the limits of said city not exceeding thirty-three acres of land, to be conveyed to the Baltimore and Ohio Railroad Company upon condition that said company shall, in a reasonable time after such conveyance, erect thereon a rolling-mill for the rolling of railroad iron, or upon such other conditions as may be agreed upon between said mayor and councilmen and said Baltimore and Ohio Railroad Company.

That the mayor and councilmen of said city be, and they are hereby authorized and empowered to issue coupon bonds of said city to an amount not exceeding thirty thousand dollars, in such denominations as to them may seem best, payable at a period or periods not exceeding ten years after date, at the option of said mayor and councilmen, with interest not exceeding seven per cent. per annum, payable semi-annually from the date thereof, which said bonds shall be signed by the mayor and attested with the corporate seal, and countersigned by the treasurer of said city, and said coupons, after maturity, shall be receivable for corporate taxes.

That the said mayor and councilmen are authorized and empowered to sell said bonds at not less than par, and to apply the proceeds thereof to the purchase of such real estate and right of way as said mayor and councilmen may determine, for the purpose of conveying or having the same conveyed to the Baltimore and Ohio Railroad Company for the erection of a rolling-mill thereon, and other like improvements, connected with the use and equipment of said road.

That the said mayor and councilmen shall have power and are required from time to time to levy such special taxes upon the taxable property of said city as may be necessary to meet the interest on said bonds, and to pay the principal at maturity, or when, and to such extent as the said mayor and councilmen may determine in the exercise of the option above given.

FENCES.

1868, c. 27 repeals and re-enacts section 69 as follows:

69. It shall not be lawful for any person in Alle-
gany county to impound any horned or black cattle,
sheep or hogs, unless the same shall be found trespass-
ing within an enclosure, enclosed by a good and sub-
stantial fence at least four and a half feet high.

1868, c. 27.
Impounding
horned cattle,
&c.

Height of
fences.

In force and approved March 30, 1868.

GRANTSVILLE.

1868, c. 356 authorizes Hanson Willison, as late sheriff of this county, to convey real estate sold under *f. fa.* situate in Grantsville as in said act provided; and to proceed in the matter of the ratification and confirmation of said sale precisely as is provided in the Code of Public General Laws, Article 85, sections 10, 11, 12 and 13, in regard to the ratification of sales under execution from a justice of the peace.

GREAT SAVAGE RIVER.

1868, c. 455 is an act to confer upon the Lumber, Mining, Manufacturing and Improvement Company of Allegany county, the authority to erect and maintain a boom or booms, with piers and necessary appurtenances, upon the Great Savage river, in Allegany county, from the National turnpike road to or near the junction of said river with the north branch of the Potomac river.

REGISTER OF WILLS.

1868, c. 403 enacts that the register of wills for Allegany county is hereby authorized and empowered to procure books and make a general index of the records of said office.

That upon the completion of said indexing, the commissioners of said county shall levy for the use of said register, as other county charges are levied, such sum of money as the said indexing shall amount to, at the rate now allowed by law to registers for recording and indexing, that is to say: five cents for each name so indexed, and also an amount sufficient to pay for said books.

ROADS.

1868, c. 63 entitled an act to provide for the appointment of four superintendents to supervise and control the repairs and improvements of three public county roads in Allegany county; one leading from Oakland to Accident; one leading from Accident to the National road at some point west of Grantsville, and one leading from a point on said road near McHenry's gate to Selbysport in said county, and to authorize the county commissioners of said county to make levies for the repairs and improvement of the same, enacts as follows:

1868, c. 63.
Superintend-
ents of public
county roads.

142. The repairs and improvement and supervision of the public county road leading from Oakland to Accident, and from Accident to the National road, and the public county road leading from a point on said road from Oakland to Accident, at or near McHenry's gate, to Selbysport, are hereby placed under the charge and care of four superintendents to be appointed as hereinafter directed.

Duty of judges
of orphans'
court.

143. It shall be the duties of the judges of the orphans' court for said county annually, and in the month of April in each and every year, to appoint four suitable persons to act as superintendents for the purpose of supervising and attending to the repairs and

improvements of the said roads, one of said superintendents to be a resident of that portion of said county through which the road passes from Oakland to Ganer's bridge across Deep creek; one of said superintendents to be a resident of that portion of said county, through which the road passes, from Ganer's bridge to Accident; and one of said superintendents to be a resident of that portion of said county, through which the said road passes, from Accident to the National road west of Grantsville. The said judges of the orphans' court for said county shall also appoint one suitable person to act as superintendent for the purpose of supervising and attending to the repairs and improvements of the said road leading from said point on the said road leading from Oakland to Accident, at or near McHenry's gate, to Selbysport, and said superintendent to be a resident of that portion of said county, through which the road passes, from said point at or near McHenry's gate, on the road leading from Oakland to Accident and to Selbysport.

144. It shall be the duty of the county commissioners of Allegany county in making their annual levy for the repairs of roads in said county, to take into special consideration the several roads mentioned as aforesaid, and if in their judgment, they deem it expedient or necessary, they are authorized and empowered to make a separate and distinct levy not exceeding four thousand dollars each year, for the space of five years, in the hands of the four several superintendents, provided for by this act for the repair of the respective portion or portions of said roads hereinbefore designated, and to be expended severally by said superintendents upon said portions of said roads.

145. Said superintendents shall within thirty days after their appointment as aforesaid, give their several bonds with surety for the faithful expenditure of all moneys levied for the repairs and improvements upon their several portions before designated of said roads, and for the performance of their several duties required by this act in such several sums as the said county

Duty of county
commission-
ers.

Superintend-
ents' bonds.

commissioners may deem necessary, and in case they or either of them refuse or fail to execute such bond, to be approved by the said judges of the orphans' court within thirty days after their appointment as aforesaid, or in case either of said superintendents shall die or resign, the judges of the orphans' court of said county shall appoint another superintendent in the place of him or them respectively who may fail to give bond, die or resign as aforesaid.

Superintendents' returns.

146. Said superintendents shall severally, on the first Monday of April, in each and every year, return, under oath, to the county commissioners of said county, a full and particular account of the amount received by them respectively for the repair of their respective portions of said roads, and also of the various items of expenditures upon the same, accompanied by the vouchers for the said expenditures; and for the performance of their duties under this act, the said superintendents shall severally be allowed, as an item of said expenditures, the sum of two dollars per day for each and every day in which they may be actually engaged in making said repairs, improvements and expenditures.

Compensation.

In force and approved February 26, 1868.

1868, c. 156 entitled an act for the repair and preservation of the present county road along the valley of Will's creek, from the Pennsylvania line to the residence of John P. Krigbaum, on the Cumberland and Somerset turnpike road, or for the laying out of a new road in the valley of said Will's creek and for other purposes, recites that whereas, it has been represented to the general assembly of Maryland that the county road along the valley of Will's creek is at many seasons of the year impassable on account of the creek overflowing its banks and inundating said road at several places with water, and frequently blockading the same with ice so as to impede and stop, at those times, all travel and trade on said road. And it is also represented to this general assembly that the annual levies made by the commissioners of Allegany county are entirely inadequate to place said road in good traveling condition. Now therefore to remedy the evils complained of, it enacts as follows:

1868, c. 156.
Commissioners.

147. John Humbird, James Reynolds and Joseph Dilley, are hereby appointed commissioners with full power and authority to pass over and examine said road along the valley of Will's creek, and ascertain,

whether, in their judgment, the present road, in said valley, can be so filled up and otherwise repaired and improved as to render travelling on horse back and in wagons practicable, and convenient at all ordinary seasons of the year, and if so to make an approximate estimate of the cost of making such repairs and alterations as they, in their judgment, may consider necessary.

148. If the said commissioners, appointed in the first section of this act, shall determine that the filling up and improvement of the present road along Will's creek is impracticable and inexpedient, then, and in that event, the said commissioners, named in this act, shall have full power and authority to lay out and locate the ground for a new road along the said valley of Will's creek with the same limits and boundaries that are allowed for other county roads. And the said commissioners are hereby fully empowered to contract and bargain with the owners of the lands on which the new road shall be located for the purchase and conveyance of said land to Allegany county for said road. Commissioners' powers.

149. Said commissioners as aforesaid shall report all Report. of their proceeding with their estimates of the probable cost of repairing the old road, and if they should deem a new road preferable, they shall also report to the commissioners of Allegany county the probable cost of said new road.

150. The commissioners of Allegany county are Levy. hereby authorized, if in their judgment deemed expedient, to levy at their regular levy term for making levies to meet the county expenses, such sum or sums of money as the said commissioners, named in the first section of this act, shall report to them as being necessary, either to repair the present road or to lay out and make a new road, *provided*, nevertheless, that the Proviso. commissioners of Allegany county shall not be authorized to levy any part of the money deemed necessary to improve and repair the old road or make a new road, New or old road. until said county commissioners shall first be made satisfied that one-sixth part of the amount deemed

necessary to repair the old road or make a new road has been subscribed by private individuals, the same to be paid by said private individuals either in money, labor or materials; it is hereby distinctly understood that all of the private subscriptions are to be applied solely to the filling up of the present road or to the making of a new road, and are not to be required by the said commissioners of Allegany county for any future repairs of the road after the first year.

Superintendent.

151. The judges of the orphans' court of Allegany county are hereby authorized and it shall be their duty annually, in the month of April in each and every year, to appoint a suitable person who shall be a resident of the northwest side of Will's creek and shall live contiguous to the road named in this law, who shall be known and named as the superintendent of said road, and who shall supervise and attend to all repairs which he shall deem necessary to be made on said road, and it shall be the duty of said superintendent annually at the June term of the meeting of the commissioners of Allegany county to render to said commissioners a full and just account under oath of all money expended by him in the repairs of said road, naming the person or persons to whom money has been paid and for what purpose paid, and the county commissioners in said settlement shall allow said superintendent of said road the same per diem for his services that are allowed to the several supervisors of roads in Allegany county, and no extra allowance for his services for any purpose whatsoever.

Duties.

Compensation.

Specific levy.

152. Whatever sum of money the commissioners of Allegany county may deem necessary to meet and pay for the purposes contemplated by this law shall be made a separate and specific levy by the commissioners of Allegany county, and shall be levied and made payable by the county collector to the order of the person who may be appointed the superintendent of the repairs of said road annually.

Superintendent's bond.

153. The person who may be appointed the superintendent of this road shall, before entering upon his

duties as said superintendent, enter into a bond with such security as may be deemed sufficient by the commissioners of Allegany county, conditioned that he will well and faithfully, to the best of his skill and ability, discharge the duties of superintendent of said road, and that he will regularly every year at the June term of the commissioners of Allegany county, return to said commissioners under oath a just, full and fair account of all sums of money paid by him and to whom paid in repairing and improving said Will's creek road. Returns.

In force and approved March 20, 1868.

1868, c. 109 entitled an act to authorize the county commissioners of Allegany county to levy a sum of money for improving a road running from Green Ridge on the National turnpike, to Twigg's Lock on the Chesapeake and Ohio canal, enacts as follows:

154. The county commissioners of Allegany county are authorized to levy a sum of money, (not, however, exceeding one thousand dollars,) for the laying out and repairing of a road running from Green Ridge, on the National turnpike, in said county, to Twigg's Lock, on the Chesapeake and Ohio canal, and shall levy annually such sum of money as they may deem necessary to keep said road in good repair. 1868, c. 109.
Levy for repairing road.

155. It shall be the duty of the judges of the orphans' court of said Allegany county to appoint a suitable person to act as superintendent for the purpose of supervising and attending to the repairs, laying out and improvement of said road, and said superintendent shall, within sixty days after his appointment as aforesaid, give a bond with surety for the faithful expenditure of all moneys levied as aforesaid, and if he shall fail to execute such bond after his appointment, the judges of the orphans' court of said county shall appoint another superintendent in the place of him who may fail to give bond. Superintendent.
Bond.

156. Said superintendent shall return under oath to the county commissioners of said county a full and particular account of the amount received by him for Returns.

the repairs of said road, and also of the various items of expenditures upon the same, accompanied by the vouchers of said expenditures.

In force and approved March 7, 1868.

SHERIFF.

1868, c. 108 repeals and re-enacts section 259 as follows :

1868, c. 108.
Fifty cents per
day.

Convicts to
penitentiary.

159. He shall be entitled to fifty cents per day for each prisoner committed to the jail of said county, and one dollar for each prisoner brought out to court and returned to jail, and the following sums for taking convicts to the penitentiary, to wit: when a single convict is taken, forty-five dollars; when two together, thirty dollars each; when more than two twenty-five dollars each, to be levied as other county charges.

In force and approved March 7, 1868.

WEIGHTS AND MEASURES.

1868, c. 256 repeals and re-enacts sections 170, 171 and 172, to read as follows :

1868, c. 256.
Keeper and in-
spector.

Compensation.

Standard
weights and
measures.

Levy.

170. The county commissioners of Allegany county shall annually appoint a keeper and inspector of weights and measures, whose duty it shall be to try and inspect the weights and measures used by all merchants and persons, bodies politic or corporate, in weighing or measuring any article of merchandise, coal or produce for sale, who shall receive as compensation for the services to be performed by him, the sum of five hundred dollars, annually to be levied and paid by the county commissioners as now provided by law.

171. Said county commissioners shall procure for the use of such keeper and inspector, standard weights and measures, such as are used at the custom house, in Baltimore city, at the expense of the county, and they are hereby authorized to levy on the assessable pro-

perty in said county such sum or sums of money as shall be necessary to pay for the same.

172. It shall be the duty of the said keeper and ^{Duty of keeper and inspector.} inspector to try and inspect all seals and measures, as provided in section one hundred and seventy, at least once in every three months, and to brand or stamp with the letters M. S., (meaning thereby Maryland standard,) all such weights and measures inspected by him, as corresponded with the standard of weights and measures, and any person or persons or body corporate or politic, who shall be found weighing or measuring with any seal or measure not branded, or stamped as herein provided, shall forfeit and pay fifty dollars for ^{Penalty.} each offense, to be recovered as small debts are now recovered in this state, one-half to be paid to the informer, and the other half for the use of the free schools in the said county.

In force and approved March 30, 1868.

WESTERNPORT.

1868, c. 40 enacts the following, and repeals all acts or parts of acts inconsistent herewith :

173. The citizens of the town of Westernport, in ^{1868, c. 40, s. 1.} Allegany county, shall be and they are hereby made a ^{Town incorporated.} body corporate, by the name of the commissioners of Westernport, with all the privileges of a body corporate, and to have a common seal and perpetual succession.

174. The free white male citizens of Westernport ^{Ibid. s. 2.} aforesaid, of the age of twenty-one years and upwards, ^{Election of commissioners.} being citizens of the United States, who have resided in said town for and during the space of six months next preceding the first Monday in May next, may on that day, at the usual place of holding elections in said town, and on the first Monday in June, in each and every year thereafter, at such house as shall hereafter be designated by the municipality, be authorized to elect five commissioners for said town, who shall be

owners of real estate in the town, and who shall have resided within the limits of the same eighteen months next preceding the election.

Ibid. s. 3.
How elected.

175. A justice of the peace, for the time being residing in said town, shall appoint by writing, under his hand and seal, three judges to hold the first election, who shall keep the polls open from nine o'clock in the morning until five in the afternoon, and shall conduct the said election in the same manner in which the judges of election are now directed to conduct an election for delegates to the general assembly as far as may be consistent with the provisions of this act, and the said judges shall make returns under their hands and seals of the persons elected to the clerk of Allegany county, to be kept by him.

Ibid. s. 4.
Future elections.

176. All future elections shall be held and conducted as shall be from time to time directed by the laws of the corporation, the same not being inconsistent with the provisions of this act.

Ibid. s. 5.
President.

177. The said commissioners, elected according to the provisions of this act, on the first meeting after the said election, choose some one of the said commissioners president of the board, whose duty it shall be to preside at the meetings of the said commissioners, and preserve order and give such directions as may be deemed necessary by the said commissioners to carry in full effect the provisions of this act; he shall also have the power to try offenders for violating town ordinances, assess fines and penalties, in accordance with the provisions of this act, and the ordinances which the commissioners may legally enact.

Ibid. s. 6.
Vacancy, how filled.

178. The commissioners aforesaid, or a majority of them, may meet together from time to time, as often as occasion may require, upon the business of said town, and not less than once every three months, and if during the year for which they may be selected any of the commissioners should die, resign, remove from said town, or be otherwise disqualified, an election to fill the vacancy on ten days' notice thereof being given by the commissioners shall be held, which all persons

Notice.

qualified as is specified in the second section of this act shall be entitled to a vote.

179. The said commissioners, or a majority of them, shall have power to appoint a clerk, and assign his duties and allow him such compensation for his services as they may think proper, and that all ordinances passed by the said commissioners, or a majority of them, shall by their clerk be entered in a book to be kept for that purpose, and shall be opened at all times for the inspection of any person interested, and copies of all ordinances shall be put up in the most public places of said town, that the same may be generally made known. Ibid. s. 7. Clerk.

180. All fines and forfeitures under the ordinances of the said corporation shall be recoverable as small debts are recoverable out of court, before any justice of the peace or president of the board. Ibid. s. 8. Fines and forfeitures.

181. The limits of said town shall extend to the distance of three-quarters of a mile each way from the public square, and the property within said limits shall be subject to such taxes and charges as may be deemed necessary by the said commissioners, or a majority of them, to support and maintain the expenses which may at any time be incurred in the improvement of said town. Ibid. s. 9. Limits.

182. The said commissioners, or a majority of them, shall have full power to make all such by-laws, regulations, and ordinances not inconsistent with the laws and constitution of this state, as from time to time they may deem wise, equitable and expedient for the comfort, health, convenience and the prosperity of the said town and its inhabitants, for the prevention and removal of nuisances, preservation of health, and suppression of vice and immorality within the limits of said town, and shall have power to lay an equal tax on the property within said limits, to such an amount as may from time to time be deemed necessary to accomplish the purposes aforesaid, which tax shall be collected and paid to the president and commissioners, by the collector by them appointed, who shall have the same power Ibid. s. 10. By-laws, regulations and ordinances. Taxes.

to destrain therefor as the collector of public county assessment has to destrain for the same, and the said president and commissioners shall fix the term of office, amount of bond and compensation of such collector.

Ibid. s. 11.
Bailliff.

183. The said commissioners, or a majority of them, shall have full power and authority, annually, to appoint a bailliff, whose duty it shall be to preserve the peace and good order of said town, and for this purpose he is hereby vested with the same power and authority as any constable may now have under the laws of this state.

Ibid. s. 12.
No banking
privileges.

184. Nothing herein contained shall be so construed as to authorize the corporation created to issue any device, token, note, certificate or evidence of debt to be used as currency, and the legislature reserves the right to annul or repeal this charter when the same shall be deemed advisable.

Reservation.

In force and approved February 26, 1868.

ARTICLE II.

Anne Arundel County.

PATUXENT RIVER.

What weirs and hedges, nuisances: penalty: forfeiture.

SHERIFF.

194. Fifty cents per day, for boarding prisoner.

ANNAPOLIS.

1868, c. 416 is entitled an act appointing a committee with authority to purchase a lot or lots of ground in the city of Annapolis, and causing to be erected thereon a mansion for the governor of this state, and making an appropriation therefor.

COUNTY COMMISSIONERS.

1868, c. 261 enacts that the county commissioners of Anne Arundel county be and they are hereby authorized, if in their judgment they deem it expedient, to contribute one thousand dollars to aid the commissioners of Baltimore and Howard counties in the purchase and construction of a bridge on the Patapsco river, at Elkridge Landing, with a view to making the same a free bridge thereafter.

1863, c. 367 enacts that the county commissioners of Anne Arundel county, or a majority of them, be and they are hereby authorized and empowered, if in their judgment they shall deem it expedient, as soon as a *bona fide* subscription for ten thousand shares of the capital stock of the Baltimore and Drum Point Rail Road Company shall have been made by other parties, to subscribe in behalf of said county for a sum of money not exceeding two thousand shares of the said stock, and in payment of the said subscription to issue bonds in the name of the county commissioners of said county in such sums, and redeemable in such time or times within twenty years, as the said commissioners shall prescribe on the face of said bonds, and to sell the said bonds and apply the proceeds of such sales in payment for the stock so subscribed for by them, and to each of said bonds shall be attached coupons for the interest thereon, at the rate of six per cent. per annum, payable half-yearly.

That the said bonds shall be exempt from county and municipal taxation, and the faith of Anne Arundel county is hereby pledged for the redemption thereof.

That the said county commissioners shall levy on the assessable property subject to taxation, for the ordinary expenses of the said county, such sum or sums of money as shall, in their discretion, be necessary for the prompt payment of the principal and interest of the said bonds.

That the said county commissioners are hereby authorized to sell or pledge the shares of stock which may be subscribed for under the provisions of this act, and apply the proceeds to the payment of said bonds or the interest thereon.

That a majority of said county commissioners are hereby empowered to vote the stock subscribed for by this act at any meeting of the stockholders of said company, under such conditions as the private stockholders may be authorized to vote their individual stock.

That this act shall be advertised in the newspapers published in Anne Arundel county, for two months preceeding the next election held for members of the house of delegates, and be subject to the approval of a majority of all the members elected to each house of the general assembly of Maryland, at its next session after said election.

PATUXENT RIVER.

1868. c. 202 entitled an act to protect the navigation of the Patuxent river enacts as follows:

135. All weirs and hedges in the Patuxent river ^{1868, c. 202.} above Hill's bridge and below the public wharf at the ^{What weirs and hedges, nuisances.} town of Queen Anne, are declared nuisances and may be abated as such by any person.

136. If any person shall place or make any weir or ^{Penalty.} hedge in the said Patuxent river, contrary to the provisions of the preceding section, he shall forfeit the sum of twenty-five dollars, to be recovered before any justice of the peace, either of Prince George's county or Anne Arundel county, one-half to the informer or per-

son who may sue for the same, and the other half to be paid to the justice and by him paid annually to the county commissioners of the county.

Forfeiture.

137. If any person shall fish any such weir or hedge, he shall for every offense forfeit the sum of fifteen dollars, to be recovered and applied as directed in the preceding section.

In force and approved March 28, 1868.

SHERIFF.

1868, c. 107 repeals section 194 and substitutes the following therefor:

1868, c. 107.
Fifty cents per
day for board-
ing prisoner.

194. The sheriff of Anne Arundel county shall be allowed for keeping and boarding each prisoner committed to the jail of said county the sum of fifty cents per day, to be levied and collected according to law.

In force and approved March 7, 1868.

By the act of 1868, c. 215 the commissioners of Anne Arundel county are authorized and directed to allow the sheriffs of said county such additional compensation for the board of prisoners committed to the jail of said county from March 10, 1867, to March 10, 1868, as in their judgment they may deem advisable.

ARTICLE III.

Baltimore County.**COLLECTORS.**

- 55. Tax collection districts.
- 56. Collectors: bond.
- 57. Compensation to collectors.
- 58. Duty of collectors: notice: time allowed for collection.
- 59. Proceedings to enforce collections.
- 60. Redemption.
- 61. Costs.
- 62. Memoranda of assessable property: statements to county commissioners.
- 63. Re-appointments.
- 64. Liability of securities.

ELECTIONS.

- 104. Dividing line of third and fourth election districts.
- 105. Precincts.
- 106. First election district: metes and bounds.
- 107. Third district.
- 108. Ninth district.
- 109. Eleventh district.
- 110. Twelfth district.
- 111. Duty of officers of registration.
- 112. Judges for precincts.

LUTHERVILLE.

- 113. Incorporated.
- 114. Limits of town.
- 115. Election of commissioners: their powers: provisos.
- 116. Judges of election.
- 117. Who entitled to vote.
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ORPHANS' COURT.

- 139. Time of meeting.
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REGISTER OF WILLS.

- 145. Alphabetical index to records: costs: levy for amount.

ROADS.

- 149. Primary road districts.
- Sub-Sec. 2. Election for supervisors: local board of supervisors of district No. 1, &c.: who to vote: vacancy.
- Sub-Sec. 3. Organising local boards.
- Sub-Sec. 4. Sub-districts.
- 150. Central board of review and control of roads and bridges.
- Sub-Sec. 2. Duties of central board.
- 151. Powers of local board: appeal: proviso.
- Sub-Sec. 2. Estimates: tax.
- 152. Work or pay tax: certificate: provisos.
- Sub-Sec. 2. Sections: road-book: notice: sale of sections: repair: proviso.
- Sub-Sec. 3. Letting out sections.
- Sub-Sec. 4. Contracts for sections: security.
- 153. Duty of contractors: specifications: neglect to repair, &c.
- 154. Improvement by contiguous property holders: joint stock company: proviso: graveling, draining, &c.
- 155. Committees: county surveyor: room for meetings of central board: expenses of board: clerk: times of meetings.
- 156. Changing location of road, &c.: procedure: appeal.
- 157. Bonds of treasurer and collector of primary district: suit.
- Sub-Sec. 2. Powers of supervisors: appeal.
- Sub-Sec. 3. Payment of money due, time allowed: tax.
- Sub-Sec. 4. Application for new road, how made: duty of local board.
- Sub-Sec. 5. Certificates of payment.
- Sub-Sec. 6. List of persons assessed.
- Sub-Sec. 7. Rules and regulations.
- 158. Opening streets leading from city.

BRIDGES.

By the act of 1868, c. 232 the county commissioners of Baltimore and Carroll counties are authorized and required to levy a sum of money on the assessable property of their respective counties at their next levy term to the amount of four thousand dollars, or so much thereof as may be necessary, in the discretion of the county commissioners, two thousand dollars of said four thousand dollars to be levied by the county commissioners of Baltimore county on the tax payers of said county,

and two thousand to be levied by the county commissioners of Carroll county on the tax payers of said county, to build a bridge over the north branch of the Patapsco river, on the Limekiln road, and to appoint two commissioners, one from each county, to cause said bridge to be built in such manner as the said county commissioners may deem most expedient; *provided*, however, that said work shall be done upon such plan and estimate that when said bridge shall be completed it will afford safe and easy passage over said river.

By the act of 1868, c. 412 the county commissioners of Baltimore and Harford counties are authorized to levy in their discretion a sum of money sufficient for the purpose of building a bridge over the Little Gunpowder river at Emory's ford, and to contract for the building of the same.

See, as to bridge at Elk Ridge Landing, the act of 1868, c. 261 under Public Local Laws, Art. II, Anne Arundel County,

CLERK.

By the act of 1868, c. 129 the clerk of the circuit court for Baltimore county is authorized and required to make out in a fair and legible handwriting, general indexes to the law and equity dockets, in his office, from the beginning of said dockets to the passage of this act, (March 17, 1868,) and shall be allowed therefor the same compensation as is now allowed by law for making general indexes to the land records of the county, to be paid for by the county commissioners for Baltimore county, on the certificate of the chief judge of the third judicial circuit, or that of the associate judge of said circuit residing in Baltimore county, that said work and labor has been properly performed.

That the county commissioners of Baltimore county be and they are hereby directed to pay to the clerk of the circuit court for Baltimore county, whatever sum or sums of money may be found to be due him under the preceding section upon the receipt of the certificate provided for in the preceding section.

That from and after the passage of this act (March 17, 1868) it shall be the duty of said clerk to enter in said general index all judgments thereafter obtained on the day on which said judgment are rendered, for which service he shall be allowed the same compensation as is now allowed for similar services, to be paid for by the parties to the suit, respectively, as other costs are now paid.

COLLECTORS.

1868, c. 328 repeals sections 55, 56, 57, [Sup. 359,] 58, 59, 59, 60, 61 and 62 of this article and enacts the following in lieu thereof, and repeals all acts and parts of acts relating to the collection of state and county taxes in Baltimore county, inconsistent or in conflict with the provisions of this act:

1868, c. 328.
Tax collection
districts.

SEC. 55. The county commissioners of Baltimore county are hereby required and directed to divide Baltimore county into not less than thirteen tax collection districts.

56. The county commissioners of Baltimore county Collectors. are hereby empowered and required to appoint not less than thirteen collectors of taxes for Baltimore county, upon the first Tuesday in May of each and every year, for the collection of state and county taxes; not more than one collector shall be appointed in each tax collection district, as provided in the preceding section; said collector shall give a bond to the state of Maryland in Bond. the full sum of state taxes placed in their hands, respectively, for collection, and also, a bond to the state of Maryland, for the use of the county commissioners of Baltimore county, in the full sum of county taxes placed in their hands, respectively, for collection; said bonds to be approved by the county commissioners of said county, and to be given within ten days from the date of appointment, and upon failure to do so, the county commissioners to appoint a successor.

57. The commissioners, as compensation allowed to Compensation to collectors. said collectors for the collection of said taxes, shall not be less than two per centum nor more than seven per centum; the commissions allowed to said collectors shall be fixed by the county commissioners in each of the several tax collection districts, but shall not be above the maximum nor below the minimum herein prescribed, upon all sums collected and paid over; and it shall be the duty of the county commissioners to levy for the said commissions allowed collectors, in the general levy of state and county taxes, said commissions to be estimated upon the whole amount to be placed in the hands of each collector.

58. It shall be the duty of the several collectors of Duty of collectors. taxes to pay over, under oath, to the treasurer of the state of Maryland and the treasurer of Baltimore county, respectively, on the first Tuesday of the next month after said taxes are placed in their hands for collection, and on the first Tuesday in each and every month thereafter, the amount collected by them, until the collections are completed; and on a failure to make such monthly payments, the delinquent collector may be removed by the county commissioners, and at the

Notice.

Time allowed
for collection.

Proceedings to
enforce collec-
tions.

end of the time herein allowed for the collections aforesaid by said collectors, they and each of them, shall make, to the county treasurer, a full and complete return, under oath, of the whole amount of taxes collected by them during the year, and also, an alphabetical list of all delinquent tax payers, in their respective tax collection districts, and the sums due by each of them, which lists the county commissioners are authorized to publish in at least one newspaper published in the county, and on failure to complete, within twelve months from the day and date of receiving said taxes for collection, the collection and return of the whole amount thereof to the county and state treasurer respectively, except such sums, as the county commissioners, upon examination of the returns of said collectors may determine to be and to have been uncollectable, their bonds shall be liable for the same, and the county commissioners shall cause suit to be brought on the bonds given for the county taxes, and the state treasurer may cause suit to be brought on the bonds given for state taxes, to the next term of the circuit court thereafter, and the said court is hereby authorized and required, upon motion of the attorney of said commissioners, or the attorney of the state, after notice to said collectors and their sureties, to take judgment for such amounts as may be found due by them for non-payment or settlement of said taxes, which judgment shall be a prior lien upon the property of the collectors and their sureties, and the amount of said judgment shall be collected within ninety days thereafter, without recourse to further proceedings, nor shall any case be postponed beyond the term of said circuit court, in which such action may be brought as hereinbefore prescribed.

59. Whenever the collectors aforesaid shall find it necessary to proceed to enforce the collection of state and county taxes, they shall first leave with the tax payer or his agent, or tenant, or occupant of the premises, or at his usual place of abode or residence, a tax bill or bills showing the aggregate amount of assess-

ments and levy for such tax, as may be owing by the party, with a notice to said bill annexed, that unless the said bills are paid within twenty days thereafter, the said collector will proceed to enforce collection by distraint, after which, if the tax payer aforesaid shall fail to make payment, the said collector is authorized to levy upon either the real or personal property of the person neglecting to pay, and to expose the same for public sale after ten days' public notice of time, place, and cause of such sale, by advertisement in at least one newspaper published in Baltimore county, and by hand bills posted at, at least two public places in the neighborhood of said property, for cash, to the highest bidder, and shall be entitled to retain out of the proceeds of such sale the amount of taxes due, together with all costs incurred by said collector in making such sale; and should the proceeds of such sale exceed the amount of taxes due and costs incurred, then the said collector shall pay over such excess to the owner of the property so sold, and shall execute and deliver to the purchaser (should the property sold be real estate) a good and sufficient deed therefor.

60. In all cases of the sale of real estate under the Redemption. preceding section, the party owing the same prior to the sale, shall be authorized to redeem the said estate by payment to the purchaser thereof, within the period of two years from the date of such sale, the amount of the purchase money for which the same may have been sold, with interest thereon at the rate of fifteen per centum per annum, from the date of the day of sale, together with the full value of any improvements which may have been put upon the property by the purchaser thereof.

61. The costs to collectors in making a distress for Costs. taxes, as herein authorized and directed, shall be as follows: The summoning and swearing two appraisers and making out a schedule, two dollars; and the appraisers shall be entitled to one dollar each for their services. If the property be sold, said collector shall receive five per centum on the gross amount of sales

and such expenses as may be incurred in advertising and printing; but if the taxes are paid upon said property before the same is exposed for sale and after the appraisement and schedule have been made of the same, then the said collector and appraisers shall be entitled to receive the same as hereinbefore stated.

Memorandum
of assessable
property.

Statements to
county com-
missioners.

62. It shall be the duty of the several collectors to ascertain from all the tax payers from whom they may collect the taxes, and take a memorandum of all accumulation of assessable property of every kind, according to the existing tax law, and make return of the same to the county commissioners, and the said commissioners shall allow said collectors a fair compensation for all their services in making said returns. The county commissioners shall require the said collectors, in rendering their monthly statements of taxes collected to the county treasurer, to state, under oath, from whom taxes have been collected, and the amount from each person so collected, together with a statement of how much has been collected from real estate and from personal property; and it shall be the duty of the county commissioners to require the clerk to their board to open an account with each tax payer in the county, and to credit the same in accordance with the statements furnished by the tax collector; and said collectors of taxes shall hold their office for one year, or until their successors are appointed, at the pleasure of the county commissioners.

Re-appoint-
ments.

63. The county commissioners shall not re-appoint any person as collector of state or county taxes whose collections have not been made, and whose accounts have not been settled in full as collector of taxes, within six months after the expiration of the year in which such tax bills have been placed in their hands for collection, unless said county commissioners shall have been satisfied by a statement made to them under oath, that the said collectors have complied with all the requirements of this law, and that the said delinquencies were uncollectable, and the said commissioners

may require from collectors any further proof which in their judgment may seem necessary.

64. The property of the securities of the tax collectors shall be at all times liable for the delinquencies of said collectors in the full amount of their bonds, and no subsequent sale or transfer of such property by the said securities shall prevent the seizure and sale of such property to satisfy any claims against the said collectors for failure to account for, and pay over to the state or county treasurer, the amount of taxes collected by them.

Liability of securities.

This act further provides, that no provision thereof shall take effect until the first Tuesday of May, 1869.

Approved March 30, 1868.

ELECTIONS.

1868, c. 28 recites that whereas, pursuant to an act, passed January 15, 1839, c. 9, the county commissioners of Baltimore county did appoint commissioners, who established the Old Church road, from what was known as William Owings's lower mill (now Painter's mill) to the Garrison church, to be the dividing line between the third and fourth election districts of Baltimore county; and whereas said Old Church road having been vacated and closed and a new road opened in lieu thereof, therefore, it enacts the following:

104. So much of the dividing line between the third and fourth election districts of Baltimore county as run with the Old Church road, beginning at a point where said road crosses the Western Maryland railroad, near William Owings's lower mill, (now Painter's mill,) and running to the Garrison church, is hereby changed, and the north side of said new road made the dividing line between said districts, to wit: beginning at the point where the north side of said old road crosses said Western Maryland railroad, and running thence with the north side of said new road to the Reisterstown turnpike road; thence down said turnpike road to Shelley's carpenter shop, on the corner of said turnpike and a new road leading to the Garrison

1868, c. 28.
Dividing line of
third and fourth
election dis-
tricts.

church; running thence bounding on the north side of said new road to the intersection of another county road by said Garrison church.

In force and approved February 18, 1868.

1868, c. 433 enacts the following and repeals all acts or parts of acts inconsistent therewith [Sup. 362:]

1868, c. 433, s. 1.
Precincts.

105. The first, third, ninth, eleventh and twelfth election districts of Baltimore county are hereby divided into two or more voting precincts in the manner hereinafter provided.

Ibid. s. 2.
First election
district metes
and bounds.

106. The first election district of Baltimore county is divided into two election precincts with the following metes and bounds, that is to say: precinct number one of the first election district, beginning at a point where the first and third election districts meet at the limits of the city of Baltimore, thence binding on the west side of the Calverton pike till it unites with Franklin pike, thence binding on the west side of said pike until it crosses Gwynn's falls, thence binding on the west side of Gwynn's falls until it leaves the boundary line of the first and second districts, thence following said boundary line to a point where the road from Alberton intersects the Jonny cake road, thence binding on the east side of said road to its intersection with the old Frederick road, thence binding on the north side of said road to its intersection with the Frederick pike, thence binding on the north side of said pike to the city limits, thence binding on said limits to the place of beginning; and the place of voting in said precinct number one shall be Franklin; precinct number two of said first election district shall comprise all of said first election district not included within the bounds of the above described precinct; and the place of voting in said precinct number two shall be Catonsville.

Ibid. s. 3.
Third district
metes and
bounds.

107. The third election district of Baltimore county is divided into three election precincts with the following metes and bounds, that is to say: precinct number

one of the third election district, beginning at a point where the Reisterstown turnpike leaves the limits of the city of Baltimore, and thence binding on the east side of said pike to a point where Caleb Hoop's lane intersects said pike, thence binding on the south side of said line to the Pemlico road, thence binding on the south side of said road to the Falls turnpike, thence binding on western side of said pike to the Northern Central railroad, thence binding on the west side of said railroad to the city boundary line, thence westwardly with said line to the place of beginning; and the place for voting in said precinct number one shall be Woodberry; and precinct number two of said third election district to be contained within the metes and bounds following, to wit: beginning at a point where the Reisterstown turnpike leaves the limits of the city of Baltimore, thence binding on the west side of said pike to a stream crossing said pike at or near Hoop's lane, thence binding on the south side of said stream, (passing through Mrs. Hayward's property,) to a stream known as Merryman's branch, thence binding on south side of said branch to the Liberty turnpike, thence running southerly with the out bounds of the aforesaid third election district to the city boundary line, thence with the said boundary line to the place of beginning; and the place of voting in said precinct number two shall be Benville's (Cusack's) tavern on the Liberty turnpike; and precinct number three of said third election district shall comprise all of said third election district not included within the bounds of the above described precincts number one and two, and the place of voting in said precinct number three shall be the Seven Mile House on the Reisterstown turnpike.

108. The ninth election district of Baltimore county is divided into three election precincts with the following metes and bounds, that is to say: precinct number one of the ninth election district, beginning at a point where Charles street avenue leaves the limits of the city of Baltimore, running thence eastwardly with said

*Ibid. s. 4.
Ninth district
metes and
bounds.*

city boundary to the Harford turnpike, thence binding on the west side of said pike to Hamilton avenue, thence binding on the south side of Hamilton avenue to the Hillen road, thence down the Hillen road to Woodburn avenue, thence binding on the south side of said avenue to the York road, thence binding on the York road to the old Powder Mill road at Govanstown hotel, thence up the Powder Mill road to Lake avenue, thence with said avenue to Charles street avenue, and thence binding on Charles street avenue to the place of beginning; and the place of voting in said precinct number one shall be Cold Spring hotel on the York turnpike; and precinct number two of said ninth election district to be contained within the metes and bounds following, to wit: beginning at a point where Charles street avenue leaves the city limits, thence binding on the west side of said avenue to Lake avenue, thence running westerly with said avenue to the Falls turnpike, thence up the said pike to the Northern Central railroad, thence running down the Northern Central railroad to the city boundary line, and thence with the city boundary line to the place of beginning; and the place of voting in said precinct number two shall be Hampden village on the Falls turnpike; and precinct number three of said ninth election district shall comprise all of said ninth election district not included within the bounds of the above described precincts number one and two, and the place of voting in said precinct number three shall be Towsontown.

Ibid. s. 5.
Eleventh dis-
trict metes and
bounds.

109. The eleventh district of Baltimore county is divided into two election precincts with the following metes and bounds, that is to say: precinct number one of the eleventh election district shall comprise all that part of said district lying to the north of the Great Gunpowder river, and the place of voting in said precinct number one shall be Wright's tavern, on the Harford road; and precinct number two of said eleventh election district shall comprise all that part of said district lying to the south of the Great Gun-

powder river, and the place of voting in said precinct number two shall be Henry's old tavern, near Brook's.

110. The twelfth election district of Baltimore county is divided into three election precincts with the following metes and bounds, that is to say: precinct number one of the twelfth election district, beginning at a point where the Philadelphia road leaves the limits of the city of Baltimore, thence binding on said city southerly to the Patapsco river, thence following said river to the Chesapeake bay, thence binding on said bay to Back river, thence following the west shore of said river to Herring run, thence binding on the west side of Herring run to the Philadelphia road, thence binding on the south side of said road to the place of beginning; and the place of voting in said precinct number one shall be Michael Adams' tavern, near Canton; and precinct number two of said twelfth election district, to be contained within the metes and bounds following, to wit: beginning at the point on the Philadelphia road where said road crosses Herring run, thence down Herring run to Back river, thence following the east bank of said river to its mouth, thence binding on the Chesapeake bay around to the mouth of Great Gunpowder river, thence up said river to the junction of said river with Bird river, thence running on the south side of Bird river to its junction with White Marsh run, thence binding on the south side of said run to the Philadelphia road, thence down said road to the place of beginning; and the place of voting in said precinct number two shall be at Frederick Water's tavern, at the forks of Middle River and Back river roads. And precinct number three of said twelfth election district shall comprise all of said twelfth election district not included within the bounds of the above described precincts number one and two, and the place of voting in said precinct shall be at Gontrom's tavern, at Gardenville, on the Belair road.

Ibid. s. 6.
Twelfth district
metes and
bounds.

111. It shall be the duty of the officers of registration in the said first, third, ninth, eleventh and twelfth

Ibid. s. 7.
Duty of officers
of registration.

districts, prior to the next election in said district, to register all the voters in said districts in the mode and manner required by the act of eighteen hundred and sixty-seven, chapter two hundred and thirty-six, of the laws of Maryland, (Sup. 240,) and shall prepare separate lists of voters, according to the sub-divisions of their respective districts, into precincts as hereinbefore provided, designating the election precinct of the district in which the voters are or shall be respectively entitled to vote, and shall deliver one copy of the list of voters for each of such precincts to the judges of elections thereof.

Ibid. s. 8.
Judges for pre-
cincts.

112. It shall be the duty of the commissioners of Baltimore county to appoint three persons for each of said precincts, residents thereof, to act as judges of elections for said precincts, and who shall perform the duties of their office as now required by law, and such judges shall make their returns in the same manner as if the said precincts were districts, and in accordance with the law now applicable to judges of elections for districts, and they shall receive the same compensation as other judges of election in said county.

In force and approved March 30, 1868.

LUTHERVILLE.

1868, c. 33 enacts the following :

1868, c. 33, s. 1.
Incorporated.

113. The citizens of the town of Lutherville, in Baltimore county, are hereby created a body corporate by the name of the commissioners of Lutherville, with all the privileges of a body corporate and have a common seal and perpetual succession, and shall be able and capable in law to sue and be sued, plead and be impleaded in any court of law, and to make all by-laws necessary for the purposes herein mentioned.

Ibid. s. 2.
Limits of town.

114. The taxable limits of said town shall be as follows: beginning at a point on York turnpike road, distant fifty yards northerly from the property of the

Messrs. Collings, and running in a southerly direction with and binding on the west side of the said turnpike to the property of Mrs. Malambre, thence due west to public road leading from Riders' Switch to Lutherville, thence with and binding on the west side of said road to the division fence between the property of Messrs. B. V. Richardson and D. C. H. Emory, thence westerly along said division fence to the east side of the Northern Central railroad; thence northerly binding on the east side thereof to a point directly opposite Mrs. Talbott's gate, and thence with a straight line to the place of beginning.

1868, c. 244 repeals section 3 of above act and enacts the following in lieu thereof:

115. The citizens of Lutherville shall hold an election on the first Monday of April next, or as soon thereafter as may be convenient, and in each and every year thereafter for three commissioners, who shall have the management of the town, and who shall have full powers and authority to enact and pass all laws and ordinances to preserve the health of the town, prevent and remove nuisances, to impose and appropriate fines, penalties and forfeitures for the breach of the by-laws or ordinances, to establish new avenues, streets and alleys, to open, widen, narrow, extend, stop up, or discontinue avenues, streets and alleys, now laid out or used and such as may be established under the authority herein conferred, to lay and collect taxes for establishing, opening, extending, narrowing, closing, repairing, and keeping in order such avenues, streets and alleys, and the roads leading from and through said town; *provided*, that the said taxes shall be fairly laid, and shall not exceed twenty cents in every one hundred dollars worth of taxable property in any one year, which they may collect as county taxes are collected by any person or persons they may appoint; and *provided* also, that when any avenues, streets or alleys shall be opened, widened or closed, the full value of all

1868, c. 244, s. 3.
Election of
commission-
ers.

Their powers.

Proviso.

Proviso.

property taken and used for such avenue, street or alley, or damage to be sustained in closing the same in whole or in part shall be assessed by the commissioners and the said full value so assessed first paid or tendered to the proprietor of said property, and that any proprietor who may feel aggrieved by such action of the commissioners shall be entitled to an appeal at any time within thirty days after such tender to the circuit court of Baltimore county, and have such appeal heard at the first term of said court thereafter, all by-laws and ordinances to be signed by the commissioners, and no compensation shall be made to said commissioners for any services rendered by them as such.

Ibid. s. 4.
Judges of election.

116. Any justice of the peace residing in the eighth election district in Baltimore county, shall appoint by writing under his hand one judge to hold the first election, who shall keep the polls open from two o'clock, P. M., to six o'clock, P. M., that the voting shall be by ballot, and the said judge shall make returns under his hand to the clerk of the circuit court of Baltimore county to be retained by him.

1868, c. 33 further enacts as follows :

1868, c. 33, s. 4.
Who entitled to vote.

117. All persons entitled to vote for delegates to the general assembly of Maryland shall be entitled to vote for commissioners of said town of Lutherville.

Ibid. s. 5.
Quorum.
Vacancy.

118. A majority of the commissioners shall constitute a quorum to transact business, and in case of a vacancy in the board of commissioners during the year, the remaining commissioners shall have power to fill the vacancy until the regular town election for electing town commissioners.

1868, c. 33 in force and approved February 18, 1868, and 1868, c. 244 in force and approved March 30, 1868.

ORPHANS' COURT.

1868, c. 98 entitled an act to promote the efficiency of the orphans' court of Baltimore county, enacts the following, and repeals all acts or parts of acts inconsistent with the provisions of this act, [Sup. 364:]

139. The orphans' court of Baltimore county shall meet on Tuesday and Wednesday of each week at ten o'clock, A. M., and continue their sessions for such length of time and on such days as in their judgment the public interests requires them to do. 1868, c. 98, s. 1. Time of meeting.

140. There shall be allowed the said judges the sum of five cents per mile for each mile travelled by them in going to and returning from the said sessions of the orphans' court, to be paid by the county commissioners of Baltimore county, on the certificate of the register of wills for said county. Ibid. s. 2. Mileage to judges.

In force and approved March 3, 1868.

REGISTER OF WILLS.

1868, c. 398 entitled an act to continue in force 1865, c. 118 [Sup. 377] and to re-enact the same with amendments, repeals section 146 and re-enacts the same to read as follows:

146. The register of wills for Baltimore county shall keep a general alphabet or index to the record of the wills, and of such other matters recorded in said office as the public convenience may require, and shall be entitled to demand and receive from the party for whom the service is performed, ten cents for each will or other matter entered therein, and it shall be his duty to enter in said general alphabet or index all such wills or other matters as have not been entered in said index up to the beginning of the term of the present incumbent of said office, and shall be entitled to receive therefor the said sum of ten cents for each entry on said index. The county commissioners for Baltimore county are hereby authorized and directed to levy for and pay 1868, c. 398. Alphabetical index to records. Costs. Levy for amount.

over said amount to the register of wills for Baltimore county, upon the certificate of the orphans' court, that said services have been properly performed.

In force and approved March 30, 1868.

ROADS.

1868, c. 411 repeals sections 149, 150, 151, [Sup. 377,] 152, 153, 154, 155, 156 and 157 of this article and enacts that the following sections be added to said article :

1868, c. 411.
Primary road
districts.

149. Each and every election district in Baltimore county is hereby created a primary road district, to be known as primary district No. 1—primary district No. 2—and through the whole number of districts, making their number, as primary road districts, conform to the present numbering of the election districts.

Election for
supervisors.

Sub-Sec. 2. The county commissioners of Baltimore county, within twenty days after the passage of this act, shall order an election in each of said primary road districts, having first given two weeks' notice in the county newspapers, and by handbills, to be posted in not less than ten public places of each of said districts, for five supervisors of roads and bridges, to hold their office for five years, and be re-eligible; they shall constitute and be termed the local board of supervisors of district No. 1, No. 2, &c., as the case may be—one member of said board, to be determined by the drawing of lots, to retire each year, and a successor to be elected from one of the sub-districts, to be hereinafter provided for, and in each successive election the new member to be taken from some other sub-district than that already represented, and so on till the whole board shall be constituted with a member residing in each of the sub-districts to be hereinafter created—the registered voters only of each election district to be permitted to vote.

Local board of
supervisors of
district No. 1,
&c.

Who to vote.

Vacancy.

In the event of a vacancy occurring in the board of local supervisors, by reason of the death, disability or removal from the county, of any member, the board shall fill the unexpired term of such member by ap-

pointment, till the proper time for electing his successor. Three of the board shall constitute a quorum.

Sub-Sec. 3. The local board of supervisors thus elected and constituted, shall meet in their respective primary road districts within ten days after their election, at some convenient and central point, and organize their board by electing a chairman, treasurer, secretary and collector from their own number, the compensation of each supervisor to be at the rate of one dollar and a half per day for every day in which he may be engaged in the performance of any duties required by this law, either as supervisors, examiner or member of the central board, to be hereinafter created. Organizing
local boards.

Sub-Sec. 4. The said local boards of each primary district shall, immediately after their organization, proceed to divide each of said primary districts into five sub-districts, as nearly equal in the extent of roads to be supervised, as practicable, and to define their bounds and describe them by numbering or otherwise, such description to be recorded in a book to be kept for that purpose. Sub-districts.

150. The chairman of each local board of supervisors shall, by virtue of his position as said chairman, be a member of a board to be styled the central board of review and control of roads and bridges of Baltimore county—seven of the thirteen members thus created a board to form a quorum for the transaction of business. Central board
of review and
control of roads
and bridges.

Sub-Sec. 2. And the duties of the central board shall be to hear and determine all cases of appeal arising from difference of opinion between the local boards of two or more primary districts; to decide the amounts to be paid by each for every road, bridge or other improvements in which more than one district is interested; to take especial charge of any road, bridge, culvert or other improvement which cannot be agreed upon by the local boards interested in such improvements, and in such case to contract for the same and assess the amount to be paid by each primary district, which they shall determine to be just and proper, in Duties of cen-
tral board.

view of the use to be made by any district of such improvements, and to draw warrants therefor upon the respective boards of said districts; to hear and determine all cases of appeal in reference to damages which may be brought before them, under the provisions of this law, and to discharge all duties which may be hereinafter assigned them.

Powers of local board.

151. The opening, construction and repair of new roads; the closing, changing of location and repair of all roads, shall be exclusively within the control of the local board of each primary district which they traverse and when any road shall form the boundary line between districts, or any portion of them, and bridges, culverts or other improvements shall connect contiguous districts, the local boards of such districts shall act in concert, as a joint board, with a right of appeal, in case of disagreement, to the central board, as provided in this act; *provided*, in all cases, that the central board may, if they deem proper, assess a portion of the expenses upon any district which is benefitted by said road, bridge or improvement, although the same may not traverse, connect or border on said district.

Appeal.

Proviso.

Estimates.

Sub-Sec. 2. And the said local boards of each primary district shall, as soon as practicable after their organization, make an estimate of the sum of money that will be necessary to carry out the provisions of this law for the ensuing year, and proceed to levy and collect a tax upon the basis of the assessment for other county purposes, not exceeding fifteen cents on the one hundred dollars (the amount required) and to expend the same in manner and form prescribed by this act; a similar estimate, levy and collection to be made annually thereafter.

Tax.

Work or pay tax.

Proviso.

152. Every person subject to tax under this law shall be permitted to work out eighty per cent. of it, either in person or by deputy, and the whole of it, on agreement with the board of supervisors; *provided*, however, the supervisors or contractors under them, shall have the right to discriminate between the value of his own or his deputy's services and a full hand;

and, *provided*, that one dollar and twenty-five cents Proviso. shall be allowed as the value of a day's service for one person, in lieu of taxes under this act. The supervisors for each sub-district, or the contractor for any portion of a road, to give a certificate of the amount Certificate. due any person for labor on the road, which certificate is to be received in lieu of the tax imposed for road purposes.

Sub-Sec. 2. Within thirty days after the election, Sections. the boards of supervisors of the several primary districts shall proceed to lay off and divide the public roads of their respective districts into sections, of not more than one mile in length; shall number and describe them in a book to be kept for the purpose in each primary district, which shall be called the road- Road-book. book of primary district number one, number two, number three, &c., as the same may be; and the boards of supervisors shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said roads and bridges; and when the supervisors shall have so laid off the said roads and bridges as aforesaid, they shall, within sixty days thereafter, give at least ten days' public notice, by five Notice. hand-bills put up in as many public places in each of said districts, designating the time and place where they will offer at public sale to the lowest and best Sale of sections. bidder, the said roads and bridges as described, one section at a time, until they are all sold or disposed of to be kept in repair for the term of five years, as Repair. specified in said road-book; *provided* that not more than Proviso. five sections shall be taken by any one contractor, and that no supervisor shall, in any event, be interested in any of said contracts.

Sub-Sec. 3. And if any section or sections of said Letting out sections. roads or bridges shall remain unsold, on account of no bid having been made for the same, or if the board of supervisors shall consider the bid too high and exorbitant, it shall be their duty to let out the section or sections, so unsold, at private sale, or by the day, for a period of one year next following the general letting;

at the expiration of that time, to set it up again at public auction, and if not then sold, to proceed as before to the end of the term of five years first mentioned; the general letting, as aforesaid, shall be once in every five years, and whenever a contract shall fail to be performed by reason of the death, disability refusal or removal of the contractor, for any particular section, the said board of supervisors shall proceed to declare his, her or their section forfeited, and to re-sell or re-let the said section for such unexpired time as may be necessary to bring it into the regular term for the general letting and sale of the other sections.

Contracts for sections.

Sub-Sec. 4. Any person or persons, contracting for a section or sections as aforesaid, shall write his, her or their name in the said district or road-book opposite the section or sections purchased, and also the amount of the purchase; and if required by the supervisors, shall give satisfactory security to the board of supervisors of said primary district, conditioned for the faithful performance of their contract.

Security.

Duty of contractors.

153. It shall be the duty of the contractors to keep their respective sections in good and substantial repair during the said term of five years, according to the specifications aforesaid, one of which shall be, that the bed of the road shall be raised in the middle, and sloped gradually each way to the side, when ditches or drains shall be kept open of sufficient depth and width to convey off the water, and all loose stones shall be removed from the road or covered with earth; and if any contractor neglect or refuse to make improvements, or keep in good repair the section or sections so purchased, upon complaint being made to the supervisors or either of them, they shall examine the section or sections so complained of, and if necessary, give notice to the persons complained of to make the improvements and put their section in good repair; and if he or they neglect or refuse to comply with the said notice, until the expiration of six days, then it shall be the duty of the said supervisors immediately to have such section or sections improved or repaired, as the case may be, at

Specifications.

Neglect to repair, &c.

the expense of the said contractor, for which he and his securities may be sued, and the same collected as debts of like amount are recoverable with costs.

154. Whenever a majority in assessed value of the property holders, bordering or contiguous to any road, shall desire to improve it to an extent beyond what is contemplated by the general provisions of this law, by the formation of a joint stock company to turnpike it, and shall have organized said company, and three-fifths of the capital stock shall have been in good faith subscribed, the local boards of the districts, which said road shall traverse, or border on, or benefit, shall subscribe such a sum of money as they may determine to be the principal of such amount as each district would expend annually in repairs or construction of said road; *provided* that at the time of the subscription, the said company shall give security to the board that they will keep the road in as good condition as is required by the provisions of this law; and whenever any number of property holders shall desire to improve a road by graveling, draining, building culverts, &c., and shall associate for that purpose, they shall be entitled to receive from the local board of each district, which it traverses or borders on, a sum of money annually thereafter, equal to that which would be the proper proportion for said road to receive, if the said property holders had not subscribed thereto, to be estimated by the board by a consideration of what is required for other similar roads in the district.

Improvement
by contiguous
property hold-
ers.

Joint stock
company.

Proviso.

Graveling,
draining, &c.

155. The central board shall appoint such committees from their own number, from time to time, to examine into the facts of all cases which may come before them on appeal from the various districts, the members of said committee to be allowed the *per diem* provided in this law for their services as supervisors whilst engaged in such examinations, and the said central board are hereby authorized to direct the county surveyor, whenever they shall deem it necessary, to perform any work required by this law at such rate of compensation as may be allowed by law for other

Committees.

County sur-
veyor.

Room for meetings of central board.

Expenses of board.
Clerk.

Times of meetings.

Changing location of road, &c.

Procedure.

Appeal.

Bonds of treasurer and collector of primary district.

county work. The commissioners of Baltimore county are hereby required to provide a suitable room at the county seat, for the meeting of the central board of review and control, and the said board is hereby authorized to incur any necessary expenses in the organization of their board, to elect a clerk from their own number or otherwise, to fix his compensation from time to time, and to assess all expenses incurred by them in carrying out the general provisions of this law upon all the primary districts in such proportion as they may deem just, and to draw warrants for the same upon each of their respective boards; and the said central board shall meet on the first Wednesday of February, April, June, August, October and December in each year, or oftener if need be, according to their own adjournment.

156. Whenever the board of supervisors of any primary district shall have occasion to change the location of a road or to widen the limits of an old road beyond the standard as now fixed by law, for the purpose of accommodating the public convenience, and shall not be able to agree with the owner of the land on which said change or widening is to be made for the value of the same, then the party aggrieved may call upon the nearest magistrate of the county to summon a jury of six discreet and disinterested persons to go upon and examine the premises and award the damages; in the event of a tie, the magistrate to have the casting vote, and the decision to be final in all cases when the value in dispute does not exceed one hundred dollars; if over this sum, the party aforesaid shall have a right of appeal to the central board of review and control as provided in this act, whose decision shall be final.

157. The treasurer and collector of each primary district shall give bond to the district for the faithful collection, keeping and disbursement of all moneys authorized to be raised by this law in such amount as the board of supervisors of that district shall prescribe. The said bond shall be deposited with the central board of review and control, who are hereby

incorporated and empowered to sue and be sued, and whose duty it shall be to bring suit in the event of Suit. the forfeiture of the penalty of any of the said boards, on the petition of any one of the primary districts, the amount recovered to be paid over immediately to the local board of the district for whose benefit the suit was brought.

Sub-Sec. 2. The supervisors of the district, and contractors under them, shall have the right of going upon adjoining lands for material or for the purpose of drainage, the district being liable in all cases for actual damage done to the owners of lands by such encroachment, the amount to be determined by the local boards, with appeal to the central board in case of any party feeling Powers of supervisors. aggrieved by the decision of the local boards. Appeal.

Sub-Sec. 3. In all cases the warrant of the central board upon the local boards for the payment of any money adjudged to be due from the district they represent, shall be paid within sixty days thereafter, and if not so paid, the central board shall be entitled to levy a tax on and collect from said district, to the amount Payment of money due, time allowed. required to discharge said sum adjudged, and all costs incurred in the collection thereof, and no claim for damages shall vest in any contractor under this act if the legislature shall alter or repeal this law. Tax.

Sub-Sec. 4. Whenever any person shall desire the opening of a new road, to which they may deem themselves entitled, he or they may make application by petition to the local board of such district as the proposed road will traverse, and it shall be the duty of the said board to visit and examine the locality and determine upon the propriety of granting the said road, and shall proceed to assess the expense therefor upon the parties interested and the districts respectively in such proportion as they may deem just and proper. Application for new road, how made. Duty of local board.

Sub-Sec. 5. Whenever there shall be insufficient money in the treasury of any district to meet the requirements of this law for immediate expenses of construction or repair, it shall be the duty of the supervisors of said district to provide the money by issuing Certificates of payment.

certificates of payment for road purposes, based upon the next annual levy of taxes, said certificates to be disposed of by them to the best advantage.

List of persons
assessed.

Sub-Sec. 6. The commissioners of Baltimore county, upon the application of the local board of any primary district shall furnish a list of all persons assessed in that district, and the valuation of their property.

Rules and regu-
lations.

Sub-Sec. 7. The various boards created by this act shall have full authority to adopt and enforce all rules and regulations necessary to carry into full effect all the provisions of this act.

This act further provides that it shall take effect from the date of its passage, and the general assembly reserves the right to alter, amend or repeal this act at pleasure.

In force and approved March 30, 1868.

1868, c. 281 also repeals and re-enacts section 155 of this article to read as follows:

1868, c. 281.
Opening streets
leading from
city.

155. The county commissioners of Baltimore county are authorized and empowered to lay out, condemn and open for the length of not exceeding one mile, in Baltimore county, any street or streets, leading from the city of Baltimore, and which may have been paved to the line of Baltimore county.

In force and approved March 30, 1868.

SCHOOLS.

By the act of 1868, c. 393 the county commissioners of Baltimore county are authorized and required, for and in consideration of the sum of five dollars, to convey a half acre of land to the board of school commissioners of Baltimore county, to be used as a public school house site, the same being part of the land owned by Baltimore county, and designated as lot No. 2, on the map of the almshouse property, and which is described as follows: Beginning for the same at the angle formed by the intersection of the Calverton road and the Garrison Forrest road, and having for its boundaries the intersected sides of said roads, and an east and west line running from one of said roads to the other, which line shall be parallel with the Franklin turnpike road.

That the said board of school commissioners shall have said lot of ground surveyed by the county surveyor, and the deed for the same shall be made in accordance with the courses and distances determined by said survey, and the said county commissioners shall forthwith execute said deed.

ARTICLE IV.

City of Baltimore.

CITY COUNCIL.

20. Time of meeting: provisos.

CITY OFFICERS.

26. What officers to hold at pleasure of mayor: commission, evidence.

ALMSHOUSE.

34. Trustees of the poor, how appointed: provisos: ordinance to be passed, effect of same.

35. Title to property: powers and privileges.

37. Oath of office.

AUCTIONS.

86. Auction duties.

87. Exception.

127. Deepening channel and harbor.

CORONER AND INQUESTS.

151. One coroner for Baltimore: term of office and salary: oath and bond: proviso.

152. Deputy.

153. Coroner's duties: pay: proviso.

154. Monthly report: deposit in bank.

ELECTIONS.

213. Oath of judges: oath of clerk.

INSPECTIONS.

FERTILIZERS OTHER THAN GUANOS.

410. Inspector of, his duties: certificate: to be published.

411. Analysis of manures: to be published.

412. Office: record.

413. Neglecting, &c., to have manure in bags, &c., inspected: penalty.

414. Neglecting, &c., to have manure in bulk inspected: penalty.

415. To be marked by inspector before sale: penalty.

416. Fees.

417. Inspector to be a chemist: term of office: by whom appointed: bond.

TOBACCO.

548. Rooms for sales at auction.

549. Appropriation: auctioneers.

550. Auctioneers' bond.

551. Duty of auctioneers: compensation rules and regulations.

552. Re-payments.

553. Storage.

JAIL.

567. Visitors and superintendents, how appointed: powers and duties of visitors: ordinance to be passed: effect of same: provisos.

568. Title to property: powers and privileges.

569. Visitors' oath.

JURORS.

612. Summoning talesmen.

JUSTICES OF THE PEACE AND CONSTABLES.

619. Number of justices appointed by governor: mayor and city council authorized to appoint constables: when appointments to be made by mayor and city council: proviso.

623. Before whom summons may be made returnable and case tried.

ORPHANS' COURT.

805. Pay of bailiff.

PARKS.

806. Improvement of public parks: issue of bonds by mayor and city council authorized.

SEWERS.

807. Constructing, enlarging, &c., sewers: powers of mayor and city council.

808. Benefits assessed, a lien.

809. Passage of ordinance: notice to be given.

810. Commissioners: notice to be given of object of ordinance.

811. Tax: sinking fund.

WATER.

939. Baltimore water stock: water rates: watchmen and police force: fines and penalties.

CITY COUNCIL.

1868, c. 451 repeals section 20 [Sup. 383] and re-enacts the same as follows :

1868, c. 451.
Time of meet-
ing.

Provisos.

Proviso.

SEC. 20. The city council of Baltimore shall meet on the first Monday of November of each and every year, and may continue in session for one hundred and twenty days, and no longer; *provided*, that they may by ordinance or resolution so arrange their sittings that the same may be held continuously or otherwise; and *provided* further, that the mayor may convene the said city council in extra session as he may now do by virtue of the 4th section of the 11th article of the constitution; and *provided* further, that the city council of Baltimore shall not sit during the present year, ending October 30th, 1868, for more than one hundred and twenty days, including the days of the extra sessions of 1867, and the present regular sessions, unless convened in extra session, as aforesaid, by the mayor.

In force and approved March 30, 1868.

CITY OFFICERS.

1868, c. 2 repeals section 26 and substitutes the following therefor :

1868, c. 2.
What officers to
hold at plea-
sure of mayor.

Commission,
evidence.

26. All persons holding office under the corporation of the city shall, unless a different term of holding be provided by law or ordinance, hold such office at the pleasure of the mayor, and the issuing of a commission by the mayor to any person as an officer of said corporation shall be evidence *prima facie* in any court in this state of the regularity and sufficiency of the appointment and qualifications of such person as such officer.

In force and approved January 22, 1868.

ALMSHOUSE.

1868, c. 1 entitled an act to repeal sections thirty-four, thirty-five, thirty-six, thirty-seven and thirty-eight of the fourth article of the Code of Public Local Laws, relating to the city of Baltimore, and to substitute in lieu of sections thirty-four, thirty-five and thirty-seven the following, repeals sections 34, 35, 36 and 37 of this article and enacts that the following be substituted for sections 34, 35 and 37: [Sup. 383.]

34. The mayor and city council have power to provide by ordinance for the appointment, as other city officers are appointed, of the trustees of the poor, of Baltimore city, and to prescribe the powers and duties of such trustees. *Provided*, that until the mayor and city council shall have acted in the premises, the powers and duties of the trustees of the poor of Baltimore city shall be such as are prescribed in and by those sections of this article under the title almshouse not hereby repealed; and *provided* further, that when the said mayor and city council shall have, by ordinance, prescribed the powers and duties of the trustees of the poor of Baltimore city, then, and in that event, the operation of the sections of this article, from thirty-nine to sixty-nine inclusive, shall cease, and the said sections, from thirty-nine to sixty-nine, inclusive, shall be *ipso facto* repealed.

1868, c. 1.
Trustees of the
poor, how ap-
pointed.

Proviso.

Proviso.

Ordinance to
be passed.

Effect of same.

35. All titles to property of any and every kind now held by the trustees of the poor of Baltimore city shall be, and they are hereby transferred to and invested in the mayor and city council of Baltimore to all intents and purposes, and all powers and privileges heretofore conferred upon the said trustees of the poor of Baltimore city shall be, and they are hereby transferred to and conferred upon the mayor and city council of Baltimore.

Title to prop-
erty.

Powers and pri-
vileges.

37. Each trustee so appointed shall, before he proceeds to act, take and subscribe before the mayor the oath of office prescribed in the sixth section of the first article of the constitution.

Oath of trust-
ees.

This law further provides that this act shall take effect upon its passage, and that the said mayor shall immediately appoint trustees of the poor of Baltimore city, as in case of a vacancy, under the existing laws and ordinances.

In force and approved January 22, 1868.

AUCTIONS.

1868, c. 171 amends and re-enacts sections 86 and 87 of this article so as to read as follows:

1868, c. 171.
Auction duties.

86. All real estate and vessels, all wines and ardent spirits, foreign or domestic, all goods, wares, merchandise and effects imported from any place beyond the Cape of Good Hope, all stocks of banks or other incorporated institutions, state or city loans, goods and effects of deceased persons or insolvent debtors, or property sold under an order or decree of any court at the rate of fifty cents on every hundred dollars, and coffee, tea, sugar and molasses, foreign or domestic, at the rate of ten cents on every hundred dollars.

Exception.

87. All other goods, wares, merchandise and effects which are the production of any foreign country, all domestic manufactures, and all goods, wares, merchandise and effects and property, of what kind soever not enumerated above, at the rate of seventy-five cents on every hundred dollars, save and excepting that class of goods known as groceries and dry goods, which shall only be subject to a duty of ten cents on every hundred dollars.

In force and approved March 20, 1868.

1868, c. 13 repeals section 127 of this article and substitutes the following therefor :

1868, c. 13.
Deepening
channel and
harbor.

127. The proceeds of auction duties to the amount of twenty thousand dollars shall be appropriated annually for the purpose of deepening and improving a channel in the Chesapeake bay and Patapsco river, and the harbor of the city of Baltimore; and the treasurer shall, upon the warrant of the comptroller, disburse and pay

over to the mayor and city council of Baltimore all such duties, to be applied under their direction to the purpose aforesaid.

In force and approved February 6, 1868.

CITY HALL.

1868, c. 391 entitled an act to authorize the mayor and city council of Baltimore to issue bonds of the said city for the purpose of building a city hall, enacts the following: That the mayor and city council of Baltimore be and they are hereby authorized to issue the bonds of the said city to an amount not exceeding the sum of one million of dollars, the proceeds from the sale of said bonds to be used in the construction of a city hall in the city of Baltimore; provided, that before the issue of said bonds the said loan be authorized by an ordinance of the mayor and city council of Baltimore, and approved by a majority of the votes of the legal voters of the said city, cast at such time and places as may be fixed by said ordinance as prescribed in the seventh section of article eleven of the constitution of this state.

CORONER AND INQUESTS.

1868, c. 457 repeals sections 151, 152, 153 and 154 of this article and enacts the following as a substitute therefor:

151. The governor, by and with the advice and consent of the senate, shall appoint and commission a competent member of the medical profession as sole coroner for the city of Baltimore, to hold office during the period of two years, and at an annual salary of two thousand dollars, payable quarterly by the register of said city; *provided*, that before entering upon the duties of his office, the person appointed coroner shall take the oath of office prescribed by the constitution of the state of Maryland for office-holders; and further, shall give a bond to the state of Maryland, with security to be approved by the judge of the superior court of Baltimore city, in the penalty of five thousand dollars, conditioned for the faithful performance of his duties as now prescribed by law, or which shall hereafter be prescribed.

1868, c. 457.
One coroner for
Baltimore.

Term of office
and salary.

Proviso.

Oath and bond

- Deputy. 152. In case of the absence or illness of the coroner, he shall deputise some competent person to attend to the duties of the office during his absence or illness, whose fees shall be directed by the coroner, out of whose salary such fees shall be paid.
- Coroner's duties. 153. The coroner shall hold an inquest over any person found dead in said city, when the manner and cause of death shall not be already known as accidental or in the course of nature; no coroner's jury in said city shall receive any fee or compensation for services as such, and said coroner is hereby authorized and empowered to issue his certificate to the register of Baltimore city for the payment of such expenses as may be necessary for the interment of any person over whom he has held an inquest, and whose body is not claimed by friends or relatives; *provided*, the amount of such expenses shall not in any case exceed the sum of seven dollars.
- Jury.
- Proviso.
- Monthly report. 154. The said coroner shall make a monthly report to the police commissioners of Baltimore city of the number of inquests held by him during the month last passed before said report, with a full description, as far as may be, of the persons who are the subjects of such inquests, their sex, age, color and nationality, the cause and mode of their death, and such other particulars as may be necessary to their identification in case of strangers and unknown persons; he shall also, immediately after holding any inquest, deposit in some bank in Baltimore city, subject to the order of the judges of the orphans' court of Baltimore city, all property, money and other effects found upon the person of those over whom he shall hold inquests as hereinbefore provided.
- Deposit in bank.

In force and approved March 30, 1868.

ELECTIONS.

1868, c. 377 amends and re-enacts section 213 [Sup. 397] so as to read as follows :

213. Each of the said judges, as soon as may be after his appointment, and before proceeding to act as such judge of election, shall take the oath or affirmation prescribed by the thirty-fifth article of the public general laws as amended by the act of the general assembly, passed at the January session thereof, in the year eighteen hundred and sixty-seven, chapter three hundred and seventy-four, (Sup. 101,) repealing and adopting a substitute for section nine of said article, and every clerk of said election, as soon as may be after his appointment, and before he enters any vote on the poll book, shall take the oath or affirmation prescribed in the tenth section of said article thirty-five of the public general laws ; and the said judges and clerks respectively, shall likewise make oath or affirmation well and faithfully to discharge the duties, by this article, imposed on them respectively, or which may be assigned to them respectively, during their official term by law.

1868, c. 377.
Oath of judges.

Oath of clerk.

Passed and approved March 30, 1868.

INSPECTIONS.**FERTILIZERS OTHER THAN GUANOS.**

1868, c. 295 adds to this article the following sections relating to the inspection of all fertilizers other than guanos :

410. An inspector shall be appointed, whose duty it shall be, on oath, to inspect all fertilizers other than guanos, imported into and manufactured in the state of Maryland, and show by chemical analysis the percentage of valuable constituents in said fertilizers, and to mark the same upon all bags, packages, or on whatever may contain the same, used, sold or offered for sale, with the receipt therein ; and when the same shall

1868, c. 295, s. 1.
Inspector of
fertilizers other
than guanos,
his duties.

Certificate. be inspected in bulk, then the inspector shall give a certificate in writing to the owners or consignees of said fertilizers, or their agents, of the analysis of the said fertilizers, so as to show its per centage of valuable constituents in phosphate of lime in ammonia, which already may be formed in it, together with that capable of being formed from its nitrogenous compounds, copies of which shall be published in at least two of the daily papers in the city of Baltimore.

To be published. **Ibid. s. 2.**
Analysis of manures. 411. It shall be the duty of said inspector to analyze and examine all of the artificial, manufactured or manipulated manures which may be manufactured or sold in the state of Maryland, so as to show the consumer the value of such manures, and publish the same once in every week in two of the daily papers of the city of Baltimore.

To be published. **Ibid. s. 3.**
Office. Record. 412. The said inspector shall keep an office in the city of Baltimore, and in it a record of all the examinations of manures of all kinds made by him, which, at all reasonable times, shall be shown to those who may wish to examine the same.

Ibid. s. 4.
Neglecting, &c., to have manure in bags, &c., inspected. 413. Every person who shall import or bring into the city of Baltimore any artificial, manufactured or manipulated manure for the purpose of being sold, landed or transhipped within the said city, and shall refuse or neglect to have the same inspected and weighed by said inspector, shall forfeit and pay five dollars for each bag, barrel, box, tierce or other package he shall refuse or neglect to have inspected or weighed, to be recovered by indictment in the criminal court of Baltimore, one-half for the use of the informer, and the other half for the use of the state.

Penalty. **Ibid. s. 5.**
Neglecting, &c., to have manure in bulk inspected. 414. If any person shall refuse or neglect to have any artificial, manufactured or manipulated manure inspected and weighed which is brought into said city for any of the purposes aforesaid in bulk, and not contained in bags, barrels or other packages, he shall forfeit and pay for each ton of artificial, manufactured or manipulated manures so brought in, twenty dollars, to be recovered by indictment in the criminal court of

Baltimore, one-half for the use of the informer, and the other half for the use of the state.

415. No person shall sell any artificial, manufactured or manipulated manures in said city in bags, casks, barrels, tierce, or other package, unless the same be marked by the inspector, as directed in this article, nor shall any person forge or counterfeit the mark of said inspector, or put artificial, manufactured or manipulated manures into any bags, barrels or other packages having the inspector's mark thereon and which have been already used for that purpose; and any person violating the provisions of this section shall forfeit and pay fifty dollars for each offence, to be recovered by indictment in the criminal court of Baltimore. Ibid. s. 6. To be marked by inspector before sale. Penalty.

416. If the fees of said inspector exceed twenty-five hundred dollars per annum, the excess shall be paid over to the state treasurer in accordance with the provisions of the fifteenth article of the constitution. Ibid. s. 7. Fees.

417. The said inspector shall be a practical analytical and agricultural chemist of good repute, and shall hold his office for two years, and until his successor is appointed; the said inspector shall be appointed by the superintendent of labor and agriculture, and shall give his bond in the penal sum of ten thousand dollars, with security or securities to be approved by said superintendent, which bond shall be filed in the office of the clerk of the court of appeals. Ibid s. 8. Inspector to be a chemist. Term of office. By whom appointed. Bond.

In force and approved March 30, 1868.

TOBACCO.

1868, c. 458 entitled an act to add new sections to the Code of Public Local Laws for Baltimore city, under the head of tobacco, as amended and re-amended by the acts of assembly of 1864, c. 346, 1865, c. 194 and 1867, c. 368, [Sup. 427] enacts that the following sections be added to this article under head of tobacco:

548. It shall be the duty of the superintendent of labor and agriculture of this state to cause a room in tobacco warehouse number five to be suitably furnished, which shall be set apart for the sales at auction, as 1868, c. 458. Room for sales at auction.

herinafter provided, of all tobacco which, after inspection, the owners or their agents may desire and direct to be so offered, and that it shall be the duty of the said superintendent of labor and agriculture to cause the said auction room to be fitted up so as to provide safe and suitable places for keeping the samples of all tobacco, which the owners thereof or their agents may desire to have in such depository.

Appropriation. 549. The treasurer of the state upon the warrant of the comptroller, is hereby authorized and directed to pay to the order of the superintendent of labor and agriculture, out of the tobacco fund, or so much thereof as may be necessary, the sum of five thousand dollars, to carry into effect the provisions of the preceding section and for the necessary repairs of tobacco warehouses numbers two and three.

Auctioneers. The governor, as soon as the auction room provided for in the foregoing section shall be fitted up and ready for use, shall appoint two persons who shall act as auctioneers, one at least of whom shall be from the tobacco growing counties of the state, who shall continue in office until the time next thereafter fixed for the appointment of all civil officers of this state, and until their successors are appointed and qualified, at which time and every two years thereafter he shall appoint two auctioneers, as all other civil officers are appointed, who shall perform the duties prescribed in the succeeding section.

Auctioneers' bond. 550. The persons appointed as auctioneers, according to the provisions of the preceding section, before they enter upon the discharge of their duties, shall give bond to the state in the penalty of ten thousand dollars each, conditioned for the faithful discharge of their duties, as prescribed by this act, to be approved by the governor of the state and recorded in the office of the clerk of the superior court of Baltimore city, and that a certified copy of such bond shall be evidence in any court of this state.

Duty of auctioneers. 551. It shall be the duty of said auctioneers, or one or both of them, to attend at the auction room afore-

said on every Monday Wednesday and Friday, from the hours of ten o'clock, A. M., to three o'clock, P. M., and offer at public sale any and all tobacco which the owners thereof or their agents shall request them to offer, and to sell the same to the highest bidder, the owner or agent of such owner being authorized to make one bid for the same; and when the highest bidder shall be other than said owner or his agent it shall be entered as sold to such bidder, and the sale shall be given by said auctioneer making the sale to the owner or his agent for the same at the rates so returned by said auctioneer; and it shall be the duty of said auctioneers to provide suitable books in which to enter said sales, specifying the number of each hoghead and the name of the owner and the purchaser, and that one of said auctioneers shall act as a clerk to make the said entries, and that the said auctioneers shall receive as a full compensation for their services the sum of twenty-five cents for each hoghead of tobacco sold by them, to be paid by the owner thereof; and that said auctioneers, with the approval of the inspectors, shall make such regulations and rules for the purpose of carrying out the provisions of this act in relation to such sales as they may deem necessary, which shall not be inconsistent with the provisions of this act.

Compensation.

Rules and regulations.

In force and approved March 30, 1863.

1868, c. 128 entitled an act to provide for the re-payment out of the storage and outage on tobacco, of moneys heretofore demanded and received by the inspector of tobacco, in violation of the acts of 1864, c. 346 and 1865, c. 194, and to repeal the act of 1867, c. 148 [Sup. 427] in relation to that subject, enacts the following:

552. The several inspectors of tobacco in the city of Baltimore, are hereby authorized and directed to re-pay out of the moneys received by them, or which may be received, for storage and outage on tobacco, all sums of money which have been paid to them, respectively, or to their predecessors, directly or indirectly, for outage on tobacco, charged to the owner or his agent, and paid

1868, c. 128, s. 1.
Re-payments.

for re-inspection, over and above the legal charge of fifty cents per hogshead for re-drawing; also, all sums so paid since the tenth day of March, eighteen hundred and sixty-four, for storage on tobacco in their respective warehouses, before the same was sold by the grower or other person in whose name the same may have been inspected, or by his, her or their agents.

Ibid. s. 2.
Storage.

553. Every hogshead of tobacco which has been sold, or may hereafter be sold, at the tobacco warehouse, by the grower or person in whose name the same may be inspected, or his, her or their agent or commission merchant or assignee, shall from the expiration of three months after said sale, be chargeable with storage, at the rate of twenty cents per month for the time it shall remain in the warehouse or elsewhere, under the charge of an inspector, to be paid by the buyer before the same shall be removed.

This act further repeals the act of 1867 c. 148, [Sup. 443,] entitled an act to provide for the re-payment out of the storage and outage on tobacco, of moneys heretofore demanded and received by the inspectors of tobacco, in violation of the acts of 1864, c. 346, and 1865, c. 194.

In force and approved March 17, 1868.

JAIL.

1868, c. 3 repeals sections 567, 568, 569 and 570 of this article and substitutes the following for sections 567, 568 and 569:

1868, c. 3.
Visitors and
superintendents,
how appointed.

Proviso.

Powers and
duties of visit-
ors.

Proviso.

567. The mayor and city council have power to provide by ordinance for the appointment, as other city officers are appointed, of visitors or other superintendents of the jail of said city, and to prescribe the powers and duties of such visitors or superintendents; *provided*, that until the mayor and city council of Baltimore shall have acted in the premises, the powers and duties of the visitors of the jail of Baltimore city shall be such as are prescribed in and by those sections of this article, under the title jail, not hereby repealed; and *provided* further, that when the said mayor and city council shall have by ordinance pre-

scribed the powers and duties of the visitors of the jail of Baltimore city, then, and in that event, the operation of the sections of this article from five hundred and seventy-one to six hundred, inclusive, shall cease, and the said sections from five hundred and seventy-one to six hundred, inclusive, shall be *ipso facto* repealed. Ordinance to be passed. Effect of same.

568. All titles to property of any and every kind now held by the visitors of the jail of Baltimore city shall be, and they are hereby transferred to and vested in the mayor and city council of Baltimore to all intents and purposes, and all powers and privileges heretofore conferred upon the said visitors of the jail of Baltimore city shall be, and they are hereby conferred upon the mayor and city council aforesaid. Title to property. Powers and privileges.

569. Each visitor so appointed shall, before he proceeds to act, take and subscribe before the mayor the oath of office prescribed in the sixth section of the first article of the constitution. Visitor's oath.

This act further enacts that this act shall take effect from the date of its passage, and that the said mayor shall immediately appoint visitors as in the case of vacancy under the existing laws and ordinances.

In force and approved January 22, 1868.

JURORS.

1868, c. 175 repeals section 612 and enacts the following in lieu thereof:

612. If at any trial of any cause in any of the said several courts as aforesaid tales *de circumstantibus* shall be ordered, it shall be the duty of the sheriff to summon as such talesmen those who are entered in said book and who are not upon the regular panels as aforesaid, and such talesmen shall be summoned and called to be sworn or affirmed on their *voir dire* or otherwise in the order in which their names are set down on the said jury book, unless the said sheriff, or his deputy in that behalf, shall swear that he has made true and diligent search for such persons as do not appear and that 1868, c. 175. Summoning talesmen.

they cannot be found ; or unless being summoned such persons have failed to appear, in that event, such of the talesmen as have been properly summoned and have appeared, shall be called to be sworn in the order in which their said names are recorded in the jury book aforesaid, or whenever, in the superior court of Baltimore city, the court of common pleas, or the Baltimore city court, it shall be necessary to summon talesmen, the judges of the said courts respectively, instead of or in addition to resorting to the foregoing provisions of this section for the summoning of talesmen, may order the sheriff to summon as such talesmen any of the jurymen in attendance upon either of the other of the said courts who may not then be engaged as part of any special panel.

In force and approved March 20, 1868.

JUSTICES OF THE PEACE AND CONSTABLES.

1868, c. 177 repeals and re-enacts section 619 as follows :

1868, c. 177.
Number of justices of peace appointed by governor.

619. The governor of the state, by and with the advice and consent of the senate, shall, at the time designated by law, appoint for the several wards of the city of Baltimore, the following number of justices of the peace, that is to say : For ward number one, two justices of the peace ; for ward number two, two justices of the peace ; for ward number three, one justice of the peace ; for ward number four, one justice of the peace ; for ward number five, one justice of the peace ; for ward number six, one justice of the peace ; for ward number seven, two justices of the peace ; for ward number eight, one justice of the peace ; for ward number nine, one justice of the peace ; for ward number ten, two justices of the peace ; for ward number eleven, one justice of the peace ; for ward number twelve, one justice of the peace ; for ward number thirteen, one justice of the peace ; for ward number fourteen, one justice of the peace ; for ward number fifteen, two justices of the peace ; for ward number sixteen, one justice

of the peace; for ward number seventeen, one justice of the peace; for ward number eighteen, two justices of the peace; for ward number nineteen, one justice of the peace; for ward number twenty, one justice of the peace. And the mayor and city council of Baltimore, in addition to the constables now acting in the city of Baltimore, are hereby authorized and empowered to appoint the following number of constables, that is to say: for ward number one, two constables; for ward number two, two constables; for ward number three one constable; for ward number four, two constables; for ward number five, two constables; for ward number six, two constables; for ward number seven, two constables; for ward number eight, two constables; for ward number nine, two constables; for ward number ten, three constables; for ward number eleven, two constables; for ward number twelve, one constable; for ward number thirteen, two constables; for ward number fourteen, two constables; for ward number fifteen, two constables; for ward number sixteen, two constables; for ward number seventeen, two constables; for ward number eighteen, two constables; for ward number nineteen, two constables; for ward number twenty, two constables; who shall hold their offices for two years from the date of their appointments, and until their successors in office are duly appointed and qualified. And the said mayor and city council of Baltimore are hereby authorized to make the appointment directed by this act, on the fourth Monday of March, eighteen hundred and sixty-eight, and on the said fourth Monday of March of every second year thereafter; *provided*, that nothing in this act shall be so construed as to authorize the said mayor and city council of Baltimore, on and after the fourth Monday of March, eighteen hundred and seventy, to appoint more than two constables for each of said wards of said city, except the first and tenth wards of said city, which two last named wards shall be entitled to four constables each.

Mayor and city council authorized to appoint constables.

When appointment to be made by mayor and city council.

Proviso.

In force and approved March 20, 1868.

1868, c. 375 repeals section 623 and substitutes the following therefor :

1868, c. 375.
Before whom
summons may
be made re-
turnable and
case tried.

623. Every summons issued by said justices shall be made returnable before the same, or any justice of the peace of the ward in which the debtor may reside, and the defendant shall have his election to have his cause tried before the justice who issued the summons, or before the justice of the ward in which he resides.

In force and approved March 30, 1868.

CONSTABLES.

1868, c. 468 recites that whereas the present mayor and city council of Baltimore, elected under the present constitution of the state of Maryland, did, in or about the month of November, eighteen hundred and sixty-seven, appoint certain constables for the city of Baltimore; and whereas the court of appeals of Maryland has since decided, in the case of William P. Smith et al. vs. Robert A. Thursby, that the said mayor and city council of Baltimore had not the right at that time to make said appointments, and that therefore said appointments were irregular and illegal; and whereas said constables, prior to the rendition of said decision by the said court of appeals of Maryland, had entered upon and discharged the duties of constables in said city; wherefore it is deemed expedient, in order to save trouble, inconvenience and litigation, to pass an act making valid the official acts of said constables done by them pending said decision, therefore it enacts, that all the official acts of the constables aforesaid, done by them prior to the date of the rendition of the aforesaid decision, be, and the same are hereby made legal and valid in all respects, as if the said constables had been legally qualified and authorized to perform such official acts at the time said acts and each of them were performed.

ORPHANS' COURT.

1868, c. 20 amends and re-enacts section 805 as follows :

1868, c. 20.
Pay of bailiff.

805. The bailiff of said orphans' court shall receive four dollars a day for each days' attendance upon said court.

In force and approved February 18, 1868.

PARKS.

1868, c. 36 enacts the following:

806. The mayor and city council of Baltimore are hereby authorized, to issue from time to time, as they may deem proper, the bonds of said mayor and city council, payable at such time and for such sums as they may deem proper, not exceeding the sum of fifty thousand dollars in any one year, and in the whole not exceeding the sum of one hundred thousand dollars, for the improvement of the public parks of the said city, the authority now given being that required by the seventh section of article eleven of the constitution of this state, to enable the said mayor and city council to make appropriation at their discretion within the above limits for the purpose aforesaid.

1868, c. 36.
Improvement
of public parks.
Issue of bonds
authorized.

In force and approved February 18, 1868.

RAILROAD.

By the act of 1868, c. 284 the Baltimore and Ohio railroad company are authorized with the consent of the mayor and city council of Baltimore, first had and obtained, to lay a single railroad track connecting with the track at the corner of Charles and Camden streets in the city of Baltimore, and thence down Charles street to Conway street, and thence along Conway street to Light street, said track to be subject as to its location, construction and use to the same authority and control as other tracks or branches of said railroad now laid on the streets of said city; *provided*, that all cars bringing tobacco to the city of Baltimore on any line of railroad, connecting through any street of said city with the track of the Baltimore and Ohio railroad, shall be allowed the free use of the track authorized by this act.

By the act of 1868, c. 344 the mayor and city council of Baltimore, and the county commissioners of Washington county, are authorized and empowered, if in their discretion good policy requires it, to waive their liens and mortgage heretofore executed to the mayor and city council of Baltimore by the western Maryland railroad company, in favor of a mortgage or mortgages to be executed by said company to such amounts, not exceeding the sum of one million dollars, as may be determined by the mayor and city council of Baltimore and the county commissioners of Washington county. [Sup. 476.]

SEWERS.

1868, c. 181 enacts the following :

1868, c. 181, s. 1.
Constructing,
enlarging, &c.,
sewers.

Powers of
mayor and city
council.

807. The mayor and city council of Baltimore shall have full power to provide for constructing, opening, enlarging or straightening any sewer through any street lane or alley, or through any private property, upon giving thirty days' notice in writing to the owners or agents of said private property within the bounds of the city, when in their opinion the convenience or welfare of the city may require it, to provide for ascertaining whether any and what amount of actual damages will accrue thereby, and what amount of actual benefit will thereby accrue to the owner or possessor of any ground or improvements within or adjoining to the city, being governed as far as practicable by the number of superficial feet drained, and to provide for assessing and levying either generally or on the whole assessable property of said city, or by a loan for the special purpose for constructing, opening, enlarging or straightening any sewer the sum necessary to pay the expense or cost, or specially on the property of persons actually benefitted, the whole or any part of the damages and expenses which they shall ascertain will be incurred in constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property in said city, to provide for granting appeals to the court or courts having jurisdiction thereof in Baltimore city, from the decision of any commissioners or other persons appointed in virtue of any ordinance to ascertain the damage which will be incurred or the benefits which will accrue to the owners or possessors of any ground or improvements for constructing, opening, enlarging or straightening in any street, lane or alley, or through any private property, any sewer which in their opinion the public welfare or convenience may require, and for securing to every such owner or possessor the right on application within a reasonable time to have decided by a jury trial,

whether any damage and what amount of damage has been caused or whether any benefit, and what amount of benefit has accrued to them ; and to provide for collecting and paying over the amount of compensation adjudged to each person to receive the same, or investing in stock of said corporation bearing interest of five per centum per annum for the use of any person who because of infancy, absence from the city, or other cause, may be prevented from receiving it before any sewer shall be constructed, opened, enlarged or straightened in any street, lane or alley, or through any private property, and to enact and pass all ordinances from time to time which shall be deemed necessary and proper to exercise the power and effect the objects herein specified.

808. The amount of benefit assessed on any property for constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property constructed, opened, enlarged or straightened by virtue of any ordinance passed by the mayor and city council of Baltimore, shall be a lien on the property and recoverable as city taxes are.

Ibid. s. 2.
Benefits assessed, a lien.

809. Before the mayor and city council of Baltimore shall pass any ordinance under the first section of this act, notice shall be given of an application for the passage of such an ordinance in at least two of the daily newspapers of said city twice a week for sixty days.

Ibid. s. 3.
Passage of ordinance.

Notice to be given.

810. Before any commissioners appointed by any ordinance of said corporation under the preceding sections of this act shall proceed to the performance of their duty, they shall give daily notice in at least two newspapers in the city of Baltimore of the object of the ordinance under which they propose to act, at least thirty days before the time of the first meeting to execute the same.

Ibid. s. 4.
Commissioners.

Notice to be given of object of ordinance.

811. Should the commissioners appointed by the mayor and city council of Baltimore to levy any part of the expense and damage incurred in the construction, opening, enlarging or straightening any sewer in

Ibid. s. 5.
Tax.

Sinking fund. the city, the said mayor and city council may levy a tax on the assessable property of the city for the amount of such assessment, or they may raise the necessary amount by a loan, for the payment of which they may create a sinking fund to meet the liabilities incurred, and may also levy on the assessable property of the city of Baltimore from time to time such sums as may be necessary to provide therefor, and for the principal and interest of the liabilities incurred, and may pass all ordinances necessary to carry out the provisions of the same.

In force and approved March 28, 1868.

WATER.

1868, c. 467 repeals section 939, as enacted by 1866, c. 38, [Sup. 473] and re-enacts the same so as to read as follows:

1868, c. 647.
Baltimore
water stock.

939. For the purpose of defraying all the expenses and costs of said lands, waters and water-rights as shall have been taken for the purposes aforesaid, and of constructing all works necessary to the accomplishment of said purposes, and all expenses incident thereto, the said mayor and city council of Baltimore shall have authority in the name of the city to issue certificates of debt to be denominated on the face Baltimore water stock, to an amount not exceeding four millions and five hundred thousand dollars, bearing interest not exceeding six per cent. per annum, and to provide by ordinance for the redemption of the same at a certain time, and under such provisions as the mayor and city council may deem expedient and proper; the said mayor and city council are hereby authorized and empowered to assess rates for the supply and use of water at any point in Baltimore city and county, and the mayor and city council are hereby authorized to enforce payment for the use of water, and other expenses incurred in the introduction of water from the water mains, according to the rates established by the said

Water rates.

mayor and city council, said payments to be enforced by the same process that city or state taxes are collected, or they may be collected by process before a justice of the peace, or in any of the courts of the city of Baltimore having jurisdiction in such cases; and the said mayor and city council are hereby authorized and empowered to appoint watchmen or such police force as may be necessary for the protection of their water works in the city and county of Baltimore, and to impose fines and penalties for interference with or injury to the works or their appendages, to prevent the water from being obstructed or contaminated, and to prohibit all meddling or tampering with the water works and their appurtenances; said fines and penalties shall be enforced as provided in this article, sections two hundred and twenty-nine to two hundred and thirty-five, inclusive.

Watchman and
police force.

Fines and pen-
alties.

In force and approved March 30, 1868.

ARTICLE V.

Calvert County.

CIRCUIT COURT.

22. Regular terms in seventh judicial circuit.

23. Intermediate terms.

24. Jurors.

JUSTICES OF THE PEACE AND CONSTABLES.

32. Number of justices and constables.

CIRCUIT COURT.

1858, c. 439, entitled an act to regulate the time of holding the respective circuit courts for the counties composing the seventh judicial circuit of Maryland, and to repeal the Local Laws for the said counties in reference thereto, enacts the following:

SEC. 22. There shall be two regular terms for the respective circuit courts for the several counties of St. Mary's, Prince George's, Calvert and Charles, composing the seventh judicial circuit of this state,

1868, c. 439, s. 1.
Regular terms
in seventh judi-
cial circuit.

to which jurors shall be summoned, and that said terms shall be held at the following times: for St. Mary's county, at Leonardtown, on the third Mondays of March and September in each year; for Prince George's county, at Upper Marlboro,' on the first Mondays of April and October in each year; for Calvert county, at Prince Frederick, on the first Monday of May and the Wednesday next after the first Monday of November in each year, and for Charles county, at Port Tobacco, on the third Mondays of May and November in each year.

Ibid. s. 2.
Intermediate
terms.

23. There shall be two other and intermediate terms of each of said courts, to which jurors shall not be summoned, to be held at the several places mentioned, and at the following times: for St. Mary's county, on the first Mondays of June and December; for Prince George's county, on the third Mondays of June and January; for Calvert county, on the first Mondays of July and February, and for Charles county, on the third Mondays of July and February in each year.

Ibid. s. 3.
Jurors.

24. The jurors drawn for or summoned to any of said circuit courts, which under existing laws would have taken place at times different from those herein provided, shall be the jurors for the terms of said courts as so changed, and shall be summoned or notified, as the case may require, to attend at the time or times so herein fixed and provided.

This act further enacts that sections 24 and 30 of Article XVIII of Public Local Laws for St. Mary's county; sections 40 and 41, Article XVI of same for Prince George's county; sections 22 and 23, Article V of same for Calvert county, and sections 31 and 32, article IX of same for Charles county, as amended by c. 75 of the acts of assembly for the year 1866, be and are hereby severally and respectively repealed. [Sup. 532.]

In force and approved March 30, 1868.

JUSTICES OF THE PEACE AND CONSTABLES.

1868, c. 95 repeals section 32 of this article and substitutes the following:

32. There shall be the following number of justices ^{1868, c. 95.} of the peace and constables for Calvert county, to wit: ^{Number of justices and constables.} for election district number one, four justices of the peace and two constables; for election district number two, four justices of the peace and two constables; and for election district number three, four justices of the peace and two constables.

In force and approved March 3, 1868.

INTERNAL IMPROVEMENTS.

1868, c. 454 recites that whereas by section thirty-four of the third article of the constitution, authority is given to extend the aid of the state in behalf of the construction of works of internal improvements in the counties of St. Mary's, Charles and Calvert, which said counties have heretofore received no direct benefit from works heretofore aided by the state; and whereas it is deemed right and proper that such appropriation should be now made; therefore it enacts that the sum of five hundred thousand dollars be and the same is hereby appropriated and set apart for the construction of works of internal improvements in the said counties, to be distributed to the said counties respectively as follows: to Charles county, the sum of one hundred and seventy-five thousand dollars; to St. Mary's county, the sum of one hundred and seventy-three thousand dollars; and to Calvert county, the sum of one hundred and fifty-two thousand dollars; and as soon as it shall appear to the treasurer of this state, by the affidavit of the president of any railroad company, now chartered, or which may hereafter be chartered in said counties respectively, that *bona fide* subscriptions to the capital stock of any such company, equal in amount to the sum by this act authorized and directed to be given to such county, shall be actually made either in land or money, the treasurer of this state shall be and he is hereby authorized and required, in the name and behalf of the state, upon the recommendation of the county commissioners of said county making such application, to subscribe for so many shares of the capital stock of the company as shall amount to the sum which, by this act, is distributed and applied to said county; and the said treasurer shall, out of any unappropriated money in the treasury, pay the instalments on each share of the capital stock of said company or companies, for which he shall subscribe as aforesaid, on the warrant of the comptroller, which the latter officer is hereby directed to issue, as the said instalments may be called for by the county commissioners of said county and agreeably to the provisions of the act incorporating said company or companies; provided, that the treasurer shall not at any time pay upon the state's subscription to the capital stock of any of the said companies a greater amount than shall have actually been subscribed and paid, as required by this act, by other subscribers to the capital stock of the said companies;

and provided further, that the said treasurer shall not pay more than one-fourth of the whole amount appropriated under this act in any one year.

2. That if the whole or any portion of the fund appropriated by this act shall not be demanded, according to the provisions of this act, by any of the counties referred to, that then, and in that case, the aforesaid five hundred thousand dollars set apart for and intended to be applied to works of internal improvements in said counties, shall be held sacred, and the faith of the state pledged that the said amount shall be exclusively devoted to works of internal improvements in said counties, and subject to the disposition of any future legislation of this state.

3. That when a demand shall be made for any portion of the aforesaid sum of five hundred thousand dollars, and in the judgment of the treasurer the condition of the treasury should require it, it shall be the duty of the treasurer, and he is hereby authorized, to cause bonds of the state of Maryland, not exceeding the amount of one hundred and twenty-five thousand dollars in any one year, in denominations of not less than five hundred dollars each, and bearing coupons for interest payable semi-annually at six per cent. interest, to be issued in the usual form, and proposals for the sale of the said bonds, made by advertisement, in such papers as he may select.

4. That for the payment of the interest and the redemption of the principal of the said bonds when due, there shall be levied upon the assessable property of the state a tax of one cent on the hundred dollars, to be collected as other taxes are now collected, and the proceeds of said tax shall be paid to the treasurer of the state, and be by him set apart for the payment of the interest and for the redemption of the principal of said bonds, and he shall invest the surplus of receipts from the said tax, after paying interest as a sinking fund for the redemption of said bonds.

ARTICLE VI.

Caroline County.

JUSTICES OF THE PEACE AND CONSTABLES.

136. Number of justices and constables.

ROADS.

152. Road districts.

153. Labor on public roads: proviso.

154. Exemption.

155. Commutation for teams, &c.

156. Penalty: fines.

157. Liability to arrest: fines, how collected.

158. Supervisors' bond: price for laborers: supervisors' salaries.

159. Certificates.

160. Drafts on county commissioners: expenditures.

161. Accounts of supervisors: returns to commissioners.

162. When work to be done on roads.

163. Width of roads: notice: obstructions.

164. Rules and requirements.

165. Altering, &c., public roads: penalty.

166. Finger boards or signs: tearing down, &c., same: penalty.

CIRCUIT COURT.

The clerk of the circuit court for Caroline county is authorized by the act of 1868, c. 280, to purchase a suitable book in which to index the land record of said county, and the county commissioners of said county are empowered to levy a sum of money sufficient to pay said clerk, &c.

JUSTICES OF THE PEACE AND CONSTABLES.

1868, c. 131 repeals and re-enacts section 138 of this article as follows:

SEC. 138. There shall be the following number of justices of the peace and constables for Caroline county: <sup>1868, c. 131.
Number of justices and constables.</sup> for election district number one, two justices of the peace and one constable; for election district number two, three justices of the peace and two constables, one of said constables to reside within the limits of the town of Denton; for election district number three, three justices of the peace and two constables, one of the said constables to reside within three miles of the town of Harmony, in said district; and for election district number four, two justices of the peace and one constable.

In force and approved March 17, 1868.

ROADS.

1868, c. 192 repeals the act of 1867, c. 289 [Sup. 64] entitled an act to add a new article to the Code of Public General Laws to be entitled Public Roads in Caroline county and Talbot county, and which relates to the repairs of the public roads in said counties and prescribes the duties of the county commissioners, supervisors and others in relation thereto.

1868, c. 329 entitled an act to add a new article to the Code of Public Local Laws to be entitled Public Roads in Caroline and Talbot counties, enacts the following and repeals all laws or parts of laws inconsistent with the provisions thereof:

152. The county commissioners of Caroline and Talbot counties shall have power to sub-divide each or any of the election districts of said counties into road districts, and to appoint a supervisor for each of the said road districts. <sup>1868, c. 329, s. 1.
Road districts.</sup>

153. All able bodied male residents of the said counties, over twenty-one years of age, shall be compelled to labor one day in every year, on the public roads in the road district in which they reside, and the road supervisor, whenever the public roads shall need <sup>Ibid. s. 2.
Labor on public roads.</sup>

Proviso.

repairs, shall summon all such persons in his district, or such number of them as he may deem necessary, to make such repairs, by giving at least two days' notice of the time and place of meeting, and what tools they must furnish; *provided*, that no person shall be compelled to labor more than four miles from his place of residence.

Ibid. s. 3.
Exemption.

154. If any person from whom such labor on the roads may be required under the provisions of the preceding sections shall make it satisfactorily appear to the road supervisor of the district in which he may reside, that he is physically unable to perform the said labor, and is not able to pay the fine hereinafter provided, it shall be the duty of the said supervisor to exempt such person from the performance of the said labor. •

Ibid. s. 4.
Commutation
for teams, &c.

155. The road supervisors may make such commutation of labor for teams and carts or wagons, as he may deem proper, and the said county commissioners are hereby authorized to fix and establish the amount to be allowed to the owner, per day, for the use of such teams, carts and wagons.

Ibid. s. 5.
Penalty.

Fines.

156. Every person liable as aforesaid, to labor on said roads, who shall fail to obey the summons of the road supervisors, shall upon the demand made by the said supervisor, pay to the said supervisor, the sum of one dollar and fifty cents for each and every day he shall fail to perform such labor; and the said supervisor shall collect and account, under oath to the county commissioners of the said county, for all sums of money so collected, and shall apply the same under the direction of the said commissioners to hiring laborers to work on the public roads, and shall pay over to his successor, upon the order of the said commissioners, any surplus that may remain in his hands.

Ibid. s. 6.
Liability to
arrest.

157. Any person failing to obey such summons made as aforesaid, to pay to said supervisor the said sum of one dollar and fifty cents, shall, upon the complaint of the said supervisor, be liable to be arrested and brought before some justice of the peace of the

county in which he resides, upon a warrant issued by the said justice, in the name of the state therefor, and shall, upon proof of such summons and failure to obey the same, and refusal to pay said sum of one dollar and fifty cents, render judgment against the party so refusing, as aforesaid, for the said sum of one dollar and fifty cents and all the costs that may accrue in prosecuting the said warrant, including the attendance of witnesses for the state; and the said justice of the peace is hereby authorized to enforce the collection of the same in the same manner as small debts are now collected by law in this state.

Fines.

How collected.

158. The county commissioners of said counties shall require each and every supervisor appointed by them, to give bond to the state of Maryland, to be approved by them, in such penalty as they may deem proper, conditioned for the faithful performance by said supervisors of the duties required of them, which said bond may be put in suit for the benefit of any person suffering by the neglect of the said supervisor in keeping the roads in his district in proper order; and the said county commissioners shall have power to fix the price to be paid for laborers on said roads, and to authorize the said supervisor to hire such number of laborers as they may deem necessary, and the said county commissioners shall pay the said supervisors such salaries or *per diem* as they may think just and reasonable.

Ibid. s. 7.
Supervisors' bond.

Price for laborers.

Supervisors' salaries.

159. For the services rendered upon the public road by any tax payer, the supervisors may issue certificates of indebtedness for such services, and such certificates when signed by the supervisors and endorsed by the holders thereof, shall be received by tax collectors in payment of county and road taxes.

Ibid. s. 8.
Certificates.

160. The supervisor may be allowed, in the manner prescribed in this act, to draw upon the county commissioners for such sums as they may require to pay at the end of each week for hire of labor, teams, &c., when engaged in repairing roads and bridges, and the county commissioners shall be authorized and required

Ibid. s. 9.
Drafts on county commissioners.

to meet such drafts out of any unappropriated moneys in the treasury, or when there are no moneys in the treasury subject to such drafts, they are authorized and required to pledge the credit of the county, if necessary, to anticipate collections of taxes, for the purpose of providing funds to pay promptly the expenditures for the repairs of roads and bridges by supervisors.

Expenditures.

Ibid. s. 10.
Accounts of
supervisors.

Returns to
commission-
ers.

161. Each supervisor shall keep accurate accounts of all moneys expended, and of all services rendered upon the roads and bridges and on whose account; and shall make monthly returns of the same in detail to the county commissioners, verified by oath, and the county commissioners shall pay all drafts of supervisors, except certificates of indebtedness, for work upon roads and bridges.

Ibid. s. 11.
When work to
be done on
roads.

162. During the months of April, May, June, July, August and September, all roads and bridges shall be put in the condition required by this act, and no labor shall be performed upon said roads at any other time of the year, unless the public convenience actually demand it.

Ibid. s. 12.
Width of roads.

163. As speedily as it can be done, not to work too sudden and serious detriment to private interests, and in the discretion of the county commissioners, all the public roads now opened shall be extended to the width of thirty feet, subject to such regulations as are now prescribed by law for opening of county roads, and at once upon the most important roads wherever it is essential to the repairs of any county road to have it widened, the landholders interested shall, after thirty days' notice by the supervisor of the road district in which said road lies, remove all obstructions except gates and buildings now erected, which may be allowed to remain, but no new buildings or other obstructions shall hereafter be erected within fifteen feet of the centre of any public road.

Notice.

Obstructions.

Ibid. s. 13.
Rules and re-
quirements.

164. The county commissioners shall have full authority to adopt and enforce all the rules and requirements necessary to carry into full effect all the

provisions of this act, and all acts or parts of acts heretofore passed, inconsistent with the provisions of this act, are hereby repealed.

165. If any person shall alter or change any public road in said counties, or cut down, destroy or injure any of the bridges, causeways, boundaries, marks or directions therein or thereon, he shall, on conviction thereof in the circuit court for the county in which said act was committed, be fined not exceeding one hundred dollars, according to the nature and degree of the offence. Ibid. s. 14. Altering, &c., public road. Penalty.

166. The said county commissioners shall cause to be placed at the forks of the public roads in Caroline and Talbot counties, as they may deem necessary, finger boards or signs showing the prominent points or places that the said road leads to, and the distance to such points or places, and any person tearing down or defacing such finger boards shall be guilty of a misdemeanor, and on conviction thereof before a justice of the peace, shall be fined not less than five nor more than ten dollars. Ibid. s. 15. Finger boards or signs. Tearing down, &c., same. Penalty.

In force and approved March 30, 1868.

RAIL ROAD.

1868, c. 298 entitled an act supplementary to an act entitled an act to incorporate the Maryland and Delaware Railroad Company, passed January session, 1854, c. 274, enacts: that the Maryland and Delaware Railroad Company be, and they are hereby authorized to locate and construct a branch road, to diverge from some point in Caroline county, and to run through the counties of Queen Anne, Kent and Cecil, and connect with the Philadelphia, Wilmington and Baltimore Railroad at or near the town of Elkton, in Cecil county.

ARTICLE VII.

Carroll County.**CRIER.**

6. Per diem.

COUNTY COMMISSIONERS.

11. Appointment and salary of clerk.

BRIDGE.

See 1868, c. 232, for building a bridge across the north branch of the Patapsco river on Limekiln road, under Public Local Laws, Art. III, Baltimore county.

CRIER.

1868, c. 305 enacts the following:

1868, c. 305.
Per diem.

SEC. 6. The county commissioners of Carroll county are hereby authorized and required to pay out of the general levy of said county to the crier of the circuit court three dollars per day for each day said court is in session, and said crier in attendance upon said court, which said *per diem* shall be in lieu of all other compensation.

In force and approved March 30, 1868.

COUNTY COMMISSIONERS.

1868, c. 384 repeals and re-enacts section 11, with amendments, so as to read as follows:

1868, c. 384.
Appointment of
clerk, salary.

11. The said commissioners shall appoint their clerk and allow him such salary for his services as they shall deem proper, not exceeding six hundred dollars per annum.

In force and approved March 30, 1868.

ROADS.

By the act of 1868, c. 189, James H. Steele and Charles A. Lawrence of Frederick county, and Thomas B. Buckingham of Carroll county, are appointed commissioners, with power to examine the location for a public road leading from the Frederick road, in Frederick county: beginning at a point west of Cochran's School House Branch, and running thence to the Woeman Road, north of Talbott's Branch: thence to the Buffalo Road; thence to the Roop Road in Carroll county, and thence to the Gillis Road, by the most convenient and practicable route, and to determine, whether in their opinion, the public interests require a public road to be opened on said location, and if they shall be of that opinion, they shall proceed to locate the same in such manner as may best promote the public interests, allowing to the landholders through whose lands it may pass, such damages as they may deem just. The commissioners, and such persons as they may employ in the course of their duties, shall be entitled to like compensation with examiners and their employees, under the provisions of the Code relating to county roads, and they shall report a plat of said road, if they shall determine to locate and lay out the same, together with the reasons for their determination, and a statement of the damages allowed to each landholder, and of their expenses and of the probable cost of opening said road to the county commissioners of Frederick and Carroll counties respectively, and the said county commissioners may approve and confirm or reject the same, and in case the same shall be confirmed by the county commissioners of both said counties, the damages, costs and expenses of so much thereof as lies in Frederick county, shall be levied on the assessable property of said county, and of so much thereof as lies in Carroll county, on the assessable property of that county, and after said report of said commissioners shall have been confirmed as aforesaid, but not otherwise, the said road may be opened, and remain a public road in like manner, and to like effect with all other public roads in said counties respectively.

ARTICLE VIII.

Cecil County.

NORTH EAST.

134. To whom ordinary licenses may be issued.

SHERIFF.

139. Keeping prisoners.

BRIDGES.

By the act of 1868, c. 73, the county commissioners of Cecil county are authorized and empowered, in their discretion, to levy a sum of money on the assessable property of said county sufficient to erect a bridge over Scotchman's Creek, in the county aforesaid, at a point at or near the lands of A. J. Pennington.

And by the act of 1868, c. 349, the county commissioners of Cecil county and Kent county, are authorized and empowered, in their discretion, to build and keep in

repair a bridge over Sassafras river, from Fredericktown in Cecil county to Georgetown in Kent county.

That for the construction of said bridge, the county commissioners of Cecil county are authorized and empowered, in their discretion, to levy on the assessable property of said county a sum not exceeding ten thousand dollars, and that the county commissioners of Kent county are hereby authorized and empowered, in their discretion, to levy on the assessable property of Kent county, a sum not exceeding ten thousand dollars: provided the said bridge be constructed with a draw in the channel of said river not less than thirty-five feet in the clear in width.

NORTH EAST.

1868, c. 342 repeals the act entitled an act to regulate the issuing of license for the sale of spirituous or fermented liquors within the borough of North East, passed January session, 1864, c. 348, [Sup. 514.] and enacts the following in lieu thereof:

1868, c. 342.
To whom ordi-
nary licenses
may be issued.

SEC. 134. The judge of the circuit court for Cecil county shall, before the first day of May in each and every year, after the passage of this act, furnish to the clerk of the circuit court for Cecil county, the names of two persons, householders in the village of North East, to whom and to whom only, the said clerk shall issue an ordinary license to vend fermented and spirituous liquors, which persons shall comply with all the provisions of the code with respect to ordinary licenses.

In force and approved March 30, 1868

RAILROAD.

See under Public Local Laws, Art. VI. Caroline county, the act of 1868, c. 298 authorizing the construction of a branch road from some point in Caroline county, through the counties of Queen Anne, Kent and Cecil, to Elkton.

SHERIFF.

1868, c. 276 repeals section 189 of this article and re-enacts the same to read as follows:

1868, c. 276.
Keeping pri-
soners.

189. The sheriff of Cecil county shall be entitled to forty-five cents a day for keeping in prison and boarding each prisoner.

Passed and approved March 30, 1868.

ARTICLE IX.

Charles County.

ELECTIONS.

40. Limits of election districts.

Sub-Sec. 1. Commissioners to re-district.

Sub-Sec. 2. Meetings of commissioners: vacancies.

Sub-Sec. 3. Duties of commissioners: proviso.

Sub-Sec. 4. Lines of districts: return and record: notice.

Sub-Sec. 5. Officers of registration: meetings to correct voters' lists: new lists.

Sub-Sec. 6. Justices and constables.

Sub-Sec. 7. Compensation to commissioners: report to county commissioners: levy.

ROADS.

96. Who liable to road service: commutation: how collected: exemption: proviso.

97. Superintendent of roads: neglect of duty, &c.: his salary: road districts.

98. Duties and powers of superintendent: supervisors.

99. Duties of supervisors: neglect of duty, &c.: salaries.

100. Certificates of indebtedness: proviso.

101. County commissioners to provide wagons, &c.: superintendents' bond: corps of laborers: proviso.

102. Funds to be advanced by county commissioners: loans.

103. Earth and gravel from adjacent lands: draining roads: provisos.

104. Filling up, &c., drains: penalty.

105. Gates: tearing down, &c., same: penalty: appeal: proviso.

106. Annual report of superintendent: to be published.

107. Rules and regulations.

CIRCUIT COURT.

See under Public Local Laws, Art. V, Calvert county, the act of 1868, c. 439, regulating the time of holding the respective circuit courts for the counties composing the seventh judicial circuit of Maryland and repealing the Local Laws of said counties in reference thereto. [Sup. 532.]

ELECTIONS.

1868. c. 138 repeals section 40 of this article and enacts the following in lieu thereof:

SEC. 40. The bounds and limits of the present election district of Charles county shall be changed, and the said county shall be divided into not less than six nor more than nine election districts, in the mode hereinafter provided, in each of which districts elections shall be held at the place which may be established therein for that purpose.

Sub-Sec. 1. William B. Stone, Joseph Price, Sam'l Cox, William Boswell, F. M. Lancaster, Noel B. Han-
 non, P. A. Sasscer, Geo. D. Mudd, and P. R. Wall,

1868, c. 138.
 Limits of election districts.

Commissioners
 to re-district.

are hereby appointed a board of commissioners with full authority to re-district said county into as many election districts, not exceeding nine nor less than six, as to them may seem most conducive to the convenience and wishes of the people of said county.

Meetings of
commission-
ers.

Sub-Sec. 2. They shall be, and are hereby required to meet in the town of Port Tobacco within the ten days next ensuing after the first day of April next, for the purpose of discharging the duties herein set forth; and in case of vacancy or vacancies in said board of commissioners by death, resignation or refusal to serve or removal from the county, it shall be the duty of the county commissioners of said county to appoint others to fill such vacancy or vacancies.

Vacancies.

Duties of com-
missioners.

Sub-Sec. 3. The said board of commissioners herein appointed shall proceed as soon after their organization as possible to determine and define the limits and bounds of said election districts, and shall designate the place for holding elections in each of said election districts, *provided*, that the concurrence of five of said commissioners shall be necessary to determine the number or bounds and limits of such districts, and the place for holding elections in the same.

Proviso.

Lines of dis-
tricts.

Sub-Sec. 4. Upon the adoption of any such division of said county into election districts, if the lines dividing the same be not public roads or streams of water, the said commissioners shall cause such lines of division to be run, marked and laid down upon plats thereof under their direction or the direction of a majority of them, and they shall return to the county commissioners of said county a full and accurate description, in writing, of the boundaries of each of said election districts, with any plat or plats of the dividing lines of said districts, if any such are run, with the place for holding elections in each of said districts designated, and the said county commissioners shall cause the same to be duly recorded among their proceedings, and shall cause notice thereof to be given by publication in some newspaper published in said county, and by advertise-

Return and re-
cord.

Notice.

ments set up at each of the places for holding elections in said districts, and at the court house door, on or before the first day of August next.

Sub-Sec. 5. The present officers of registration in said county shall continue to discharge the duties of the office for the new district in which they may be located by such division. Such officers of registration, with such others as may be appointed by the governor for the remaining election districts of said county, shall meet in Port Tobacco, prior to their session, for the purpose of correcting the lists of voters in the several districts of the county preceding any election, as is now required by law, and make or cause to be made from the books of registration and list of qualified voters now in possession of the clerk of the said county, new lists of such voters for each of the election districts of said county so re-districted, and shall dispose of said lists and books as is now provided by the acts relating to the registration of voters of this state.

Officers of
registration.

Meetings to
correct voters'
lists.

New lists.

Sub-Sec. 6. The justices of the peace and constables of said county, duly commissioned and qualified, shall continue to act as such according to the present division of said county into election districts for the time for which they were respectively so appointed, and until provision shall be made by law for changing and conforming their number to the several election districts into which the county may be divided under this act.

Justices and
constables.

Sub-Sec. 7. The commissioners above named for the purpose of carrying out this act shall be entitled to and receive compensation not exceeding three dollars per day for each and every day they may be actually engaged in the discharge of their duties under this act. The said board of commissioners shall report to the county commissioners, under oath, the number of days they have so served, which, with all charges arising from the survey of any lines of said election district, or other expenses appertaining to the discharge of this

Compensation
to commission-
ers.

Report to
county com-
missioners.

Levy. commission shall be levied, collected and paid by the county, and the county commissioners of said county are hereby authorized and required to make provision for the same.

This act further enacts that in case the said commissioners appointed to re-district said county shall fail so to do, the present division of said county into election districts shall continue in force.

In force and approved March 3, 1868.

INTERNAL IMPROVEMENTS.

See under Public Local Laws, Art. V, Calvert county, the act of 1868, c. 454, entitled an act to aid in the construction of works of internal improvement in St. Mary's, Charles and Calvert counties.

ROADS.

1868, c. 455 repeals sections 96 to 109 inclusive of this article, and enacts the following in lieu thereof:

1868, c. 455.
Who liable to
road service.

Commutation,
how collected.

96. Every male resident of Charles county, above the age of twenty-one years, shall be liable to road service upon the public roads in said county, within the road district in which he may reside, not exceeding two days for each year, which service he shall render by labor in person, or by some one furnished to labor in his stead, under the direction of the proper road officer of the county, or road district, when notified by such officer to attend for such purpose; and upon failure of any person so to attend and labor in person, or by substitute, when notified, he shall be liable on demand to pay for each day he shall so fail to attend a sum of money equivalent to the sum required to procure labor in his place, at the rate allowed therefor upon the roads in said county, with five per cent. in addition thereto for collecting the same, which, upon such demand and default of payment, shall be collected by the several supervisors of roads, in the name of the

county, as other small debts are collected by law, and for which any and all property of such person, or his rights and credits, including any wages due or to be due him, shall be liable on execution or attachment; *provided*, that if any person from whom such road service may be required, under the preceding provision of this section, shall make it appear to the supervisor of his road district, under regulations in relation thereto to be prescribed by the county commissioners of said county, that he is unable, from age or other corporeal infirmity, to perform such service, and that he is unable to pay the amount required on failure to perform such service, it shall be the duty of the said supervisor to exempt such person from such service. Proviso.
Exemption.

97. The county commissioners of Charles county shall, as soon as practicable after the passage of this act, appoint a person of skill as engineer and draughtsman, superintendent of roads for Charles county, who shall hold his office for three years, and shall be removable only during said term by said commissioners for incapacity, neglect of duty or official misconduct, and upon charges in writing made and filed with said commissioners, and he shall be heard in his defence, and shall have the right of appeal from any decision in his case to the circuit court for said county; and the said superintendent shall be allowed an annual salary of not less than eight nor more than twelve hundred dollars; and said county commissioners shall divide the several election districts of Charles county into road districts, not less than two nor more than four in each of said election districts, designating to which road district division roads between election districts shall belong. Superintendent
of roads.
Neglect of duty,
&c.
His salary.
Road districts.

98. The said superintendent of roads shall be required to devote his entire time to the duties of his office; he shall keep and preserve accounts, books and records of all business transactions connected with his said office; all public roads in said county, and everything pertaining thereto, shall be under his general supervision and direction; he shall direct and Duties and
powers of su-
perintendent.

instruct all supervisors of roads in said county as to the proper time and manner of repairing the roads, and he shall as often as possible inspect the different roads, and as far as can be, secure a just and equal expenditure of money upon the same throughout the county, giving due consideration to those most in public use. He shall commence and prosecute a system of permanent improvement of the roads of said county, beginning first on the main thoroughfares leading to the county seat, and then on those to the most public landings, properly raising, grading, ditching and thoroughly draining same, and when in his opinion proper and necessary, altering and straightening them, under the authority of the county commissioners, in the mode provided by law; he shall also be required to examine into all applications for bridges, and make reports to the county commissioners, in reference thereto; and he shall exercise a careful supervision over the construction and repairs of all such erected under the authority of the county commissioners, or by contract with them, and said superintendent shall, as soon as practicable after his appointment, recommend to the county commissioners of Charles county competent persons as supervisors of roads in each road district of said county, who shall be appointed by said county commissioners, and shall hold their appointment during the term of office of said superintendent and until their successors shall be appointed, and shall be subject to removal by him for incapacity, misconduct or neglect of duty.

Supervisors.

Duties of supervisors.

99. The said road supervisor shall, under the general direction of the superintendent aforesaid, or in conformity with any special instructions from him, superintend the repairs of the public roads and bridges within the several road districts. It shall be the duty of said supervisors under regulations to be prescribed by the superintendent of roads, to divide into classes all persons in their several districts subject to road duty, and summon such in rotation whenever the roads need repair, except in time of harvest, giving at least

a days' notice of the time and place of meeting, and what tools they shall bring; and they shall collect all sums of money due by persons who may fail to labor in person or by substitute, on the public roads, which they shall apply when necessary to the hire of labor, teams, carts and plows, on said roads, and shall make monthly returns of same, under oath, to the superintendent of roads, and pay over to him any surplus in their hands; it shall be their duty to notice the condition of the roads and bridges in their several districts, and keep them in proper order, and when necessary to notify the superintendent of roads; and for any neglect of such duty or failure to collect, account for, or pay over moneys due for road service, or for any other malfeasance in office, they shall be liable to indictment and fine as provided by law; they shall be allowed by the county commissioners for their services whilst actively engaged therein, a sum not to exceed two dollars per day, and they shall not be allowed any compensation except for personal services, provided all necessary laborers, horses, carts, &c., can be obtained by them from tax payers in their several districts whenever required, to whom preference shall always be given at such rates of pay as may be fixed by the county commissioners.

Neglect, &c., of duty.

Salaries.

100. For all work on the public roads by hired laborers, and hire of teams and carts upon the same under the authority and supervision of the supervisors of roads, said supervisors, under the authority and direction of the county commissioners, may issue certificates of indebtedness, which they shall report under oath at the end of each month to the superintendent of roads, and which certificates, when endorsed by said superintendent, shall be receivable in payment of county taxes from the holders of such, for the years in which the services may be rendered; *provided* always, no such certificates shall be issued to any person liable to service upon the public roads, until he shall have just discharged his obligation for any road services required

Certificates of indebtedness.

Proviso.

under the preceding sections of this article, by labor in person, or by substitute, or by payment of the money due in default thereof.

County commissioners to provide wagons, &c.

101. The county commissioners for Charles county, in order to facilitate the prosecution of a system of permanent improvement of the roads of said county, shall provide for the superintendent of roads, a suitable wagon, fixtures and team, tent and camp equipage for permanent laborers, and all necessary road implements and tools, to be used by him in discharge of his duties aforesaid; for the safe keeping, proper use, and due return of which, as well as for the proper disposal of, and due accounting for all moneys which may come into his hands in any way as superintendent of roads in Charles county, the said superintendent shall give bond with the security to be approved by said county commissioners in the sum of ten thousand dollars; and said county commissioners shall also provide for the employment of a permanent corps of laborers, not to exceed ten in number, who shall be engaged by the said superintendent for such periods, and upon such terms as may be most economical and advantageous, and shall be employed by him in carrying out the system of permanent improvements of the roads of said county, designated by this law; *provided*, that the expenditures for the above purposes under this section, shall not exceed in any one year, until otherwise provided by law, the sum of five thousand dollars, including the salary of such superintendent.

Superintendents' bond.

Corps of laborers.

Proviso.

Funds to be advanced by county commissioners.

Loans.

102. In order to carry out the foregoing provisions, the county commissioners of said county shall be authorized and required to advance funds out of any moneys of the county levied for the repairs of public roads, to said superintendent, from time to time as may be necessary; or to raise in advance, by negotiation, such amount, or amounts, as may be sufficient upon the faith and security of the annual levy upon the assessable property of Charles county, for the repairs of the roads and bridges of said county; and

in order to avoid too large a levy and burden upon the tax payers of said county in any one year, the said county commissioners, if the proper prosecution of this system shall require it, may negotiate a loan or loans, upon the bonds of the county, at not less than their par value, bearing six per cent. interest, payable annually, and said bonds payable in annual instalments in such order as may render their payment not onerous to said tax payers, and they shall provide in the annual levy thereafter, for county purposes, for the payment of said interest, and of said annual instalments, until said bonds shall be fully paid off and redeemed.

103. The superintendent of roads for Charles county, shall have power to procure earth and gravel from any lands adjacent or convenient to the public roads, for filling up and raising same when necessary, where he cannot obtain such by agreement with owners of said land; and he shall return to the county commissioners a statement of same in such cases, with an estimate of its value, and shall also give a certificate or certificates thereof, to the owners of such land or lands; *provided*, such earth or gravel shall not be taken from the arable and cultivated land of any person, except by his consent, nor his crops or fields injured in getting at and procuring same. And said superintendent shall also have power in draining roads to let off the water therefrom upon the adjoining lands, at such places as may be proper and necessary; *provided*, he shall take care to do so with as little injury as possible to such owners of land, and to that end, shall have power to continue drains through such lands, so as to prevent the spreading of the water so let off the roads over cultivated fields.

Earth and gravel from adjacent lands.

Proviso.

Draining roads.

Proviso.

104. Any person who shall obstruct, fill up, or otherwise wilfully injure the drains made by the superintendent of roads or supervisors thereof, under his directions, shall be subject to presentment by the grand jury of said county, and upon conviction thereof in the circuit court of said county, shall be subject to a fine in

Filling up, &c., drains.

Penalty.

the discretion of said court, of not less than ten nor more than one hundred dollars for each offence.

Gates.

105. The superintendent and supervisors of roads in Charles county, shall see that all gates upon the public roads in said county are properly constructed, and so hung as not to cause unnecessary delay or hindrance to travelers; and upon failure of the owners thereof upon notice given them to re-place gates not so constructed and hung, or to have them properly repaired and re-hung, it shall be the duty of the supervisors to remove such gates; but any person who shall tear down, destroy, remove or leave open any gates so constructed and hung, shall be deemed guilty of misdemeanor and shall be liable to prosecution in the name of the state, before a justice of the peace of the county, and may be punished by fine not exceeding ten dollars, for the use of the county, *provided* that any such person may appeal from the judgment of every such justice of the circuit court for said county, upon giving bond in the usual form to the state, for the prosecution of the appeal and payment of the fine and costs, if the judgment should be affirmed.

Tearing down,
&c., same.

Penalty.

Proviso.

Appeal.

Annual report
of superintendent.

106. The superintendent of roads for Charles county shall annually report to the county commissioners of said county a carefully prepared statement of all his operations during each year, and of all sums of money expended in maintaining and repairing the roads and bridges of said county, and also an estimate or estimates of the cost of same for the succeeding year, which statement, or a synopsis thereof, shall for the information of the people of said county be published by the county commissioners with their annual publication of the county levy and expenses, or separately in their discretion.

To be published.

Rules and regulations.

107. The county commissioners for Charles county shall have power to adopt any rules and regulations which may be suggested by the superintendent of roads, that may be necessary and proper for duly carrying out the provisions of the foregoing sections, and supplying any omission in the details thereof.

This act further enacts that the present supervisors of roads in Charles county shall continue in the performance of their duties, and be responsible therefor until superseded under the provisions of this act.

That on the first Saturday of June next, at an election to be held at the same places where elections are now held by law in Charles county, of which notice shall be given by the sheriff of said county for the time and in the manner provided by law for such notices, and which shall be held, conducted and returned by the judges of elections of said county as other elections are required to be done, the duly registered voters of said county shall vote on the question of the adoption of this act by expressing in writing, or in printed form, the words "For the Road Law," or "Against the Road Law," as the case may be, and no blank ballots shall be counted, but shall be returned separately, and the returns of said election shall be certified and sent to the county commissioners for Charles county, and thereupon it shall be the duty of said county commissioners, at a meeting to be called for that purpose, to cast up the ballots cast at said elections, and if it shall appear to them that more ballots have been cast for said road law than against said road law, the said county commissioners shall issue their proclamation declaring this act to be adopted by the people of Charles county, and they shall proceed to carry out the provisions thereof as required therein, and the same shall take effect from the date of said proclamation.

That this act shall also apply to the county of St. Mary's in its provision; provided, the sense of the people of said county be taken on the question of its adoption at an election to be held in said county on the same day, and in the same mode in every respect as provided in the preceding section for Charles county, and if it shall appear to the county commissioners of St. Mary's county upon the returns thereof being made to them in like manner, that more ballots have been cast for than against the adoption of said act, they shall in like manner issue proclamation declaring the same and proceed to carry said act into effect.

Passed and approved March 30, 1868.

RAIL ROADS.

By the act of 1868, c. 310 the governor is authorized and required to appoint five commissioners, three from St. Mary's county and one from Charles and one from Prince George's counties, who shall be authorized to employ an engineer to make a survey and to estimate the cost of constructing and equipping a rail road from some point in Prince George's county to Point Lookout, and the said commissioners are further directed to report to the general assembly as soon as practicable, the result of said survey and estimate, together with the reasons that exist for the construction of said road, and the advantages that will accrue to the state by the building of said road.

That the commissioners appointed under this act shall, before entering upon their duties, execute a joint bond, to be approved by the governor, in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties and trusts prescribed in this act.

That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for making the said survey, and the comptroller of the treasury is hereby authorized and required to draw his warrant on the treasurer, payable to such persons and for such amount as may be required by the governor; provided, that the said amount of ten thousand dollars, or so much of it as shall be used, be

deducted from that portion of the appropriation to be made under the provisions of the constitution of the state to St. Mary's county.

By 1868, c. 150 a corporation is created and chartered by the name of the Southern Maryland Rail Road Company, for the purpose of constructing, maintaining and working a railroad from some point in Prince George's county to Point Lookout.

ARTICLE X.

Dorchester County.

ROADS.

185. Road supervisors: duties: compensation: neglect, &c., of duty: penalty: proviso.

SHERIFF.

210. Keeping prisoners.

VIENNA.

212. Town incorporated.
213. Bounds of town.
214. Commissioners.

215. Voters.

216. Vacancy.

217. How elections conducted.

218. President of board.

219. Clerk.

220. Taxes.

221. Collector.

222. Bailiff.

223. Powers of commissioners: proviso.

224. Streets.

225. Dogs and bitches.

226. Fines and forfeitures.

227. Meetings of commissioners.

ALMSHOUSE.

By the act of 1868, c. 49, the county commissioners of Dorchester county are authorized and empowered to sell and convey the property known as the almshouse property of said county, and invest so much thereof as may be necessary in the purchasing or building another almshouse for said county in some desirable and healthy locality. [Sup. 533.]

DORCHESTER AND DELAWARE RAIL ROAD.

1868, c. 184 recites that whereas a contract for the construction of the Dorchester and Delaware Rail Road was entered into on the twelfth day of October last, and considerable progress has already been made in the construction of the said road; and whereas the Dorchester and Delaware Rail Road Company has negotiated a portion of the bonds of Dorchester county, issued under the provisions of c. 27, of the act of the general assembly passed at January session, 1867, [Sup. 538,] at their par value, and the remaining portion of the said bonds are still in the possession of the said company, undisposed of; and whereas the said company has never received any payment on account of the state's subscription to the capital stock of said company,

therefore, it enacts, that in ascertaining at any time the amount actually paid by other subscribers than the state of Maryland to the capital stock of the Dorchester and Delaware Rail Road Company, for the purpose of determining the amount due and payable at such time, upon the state's subscription to the said capital stock, according to the provisions of section twenty-seven of chapter fifty-two, of the act of the general assembly of Maryland, passed at the January session, eighteen hundred and sixty-six, the comptroller and the treasurer be and they are hereby authorized and required to estimate and allow, as part of the amount actually paid by the other subscribers aforesaid, the amount realized in cash by the said company from the sale of such bonds of Dorchester county aforesaid as shall have been disposed of by the said company; and also, at the option of the said company, to estimate and allow the bonds of said county at such time remaining unsold in the possession of the said company, as cash actually paid as aforesaid, at the rate of ninety cents in the dollar on the par value of said bonds.

ROADS.

1868, c. 287 adds an additional section to this article to read as follows:

SEC. 185. The county commissioners of Dorchester county are hereby authorized and empowered to appoint ^{1868, c. 287. Road supervisors.} road supervisors for the roads and sub-division of roads in said county, whose duties shall be such as are now ^{Duties.} or may be prescribed by law; and for which they shall receive a compensation of two dollars per day, not to ^{Compensation.} exceed ten days in each year, and upon any supervisor refusing or neglecting to discharge the duties of road ^{Neglect, &c., of duty.} supervisor after being so appointed, he shall, upon proof and conviction thereof in the county court, be ^{Penalty.} fined a sum not exceeding fifty dollars; ^{Proviso.} provided no person shall be compelled to serve more than one year in three years.

In force and approved March 30, 1868.

SHERIFF.

1868, c. 216 repeals section 210 and enacts the following in lieu thereof:

210. The sheriff of Dorchester county shall be entitled to forty-five cents a day for keeping in jail and ^{1868, c. 216. Keeping prisoners.} boarding each prisoner.

In force and approved March 28, 1868.

VIENNA.

1868, c. 190 enacts the following:

1868, c. 190, s. 1.
Incorporated.

212. The citizens of the town of Vienna, in Dorchester county, are a body corporate, by the name of the commissioners of the town of Vienna, and by that name may sue and be sued, and have and use a common seal.

Ibid. s. 2.
Bounds of
town.

213. The bounds of said town shall be as follows: beginning at the northeast corner of Hooper C. Hicks' old granary, standing near the edge of the Nanticoke river and a short distance northwardly of Joel Cornwell's wharf, thence running westwardly in a line parallel with Front street, one-fourth of a mile, or till it intersects the county road leading from said town to Crotchett's Ferry, thence southerly in a line parallel with Back street, half a mile, or till a line drawn from the end of the division line between Henry Wilcox's meadow lot and Samuel S. Craft's land, at the edge of Nanticoke river, and running with said division line until it intersects the said southerly line, thence with said division line to the aforesaid river, and binding therewith to the place of beginning.

Ibid. s. 3.
Commissioners.

214. The number of commissioners for said town shall be five, and their term of office shall be as follows: one to serve for one year, the second to serve two years, the third to serve three years, the fourth to serve four years, the fifth to serve five years. They shall cast lots for the terms, and at every election to fill a vacancy the party shall be elected for five years.

Ibid. s. 4.
Voters.

215. The white male citizens of said town of Vienna, of the age of twenty-one years and upwards, who shall have resided therein for six months preceding the election, shall, annually, on the day prescribed by said commissioners, and at the house also prescribed by said commissioners to hold said election in, elect a person qualified in all respects as the said voters, to be

a commissioner in the place of the commissioner whose place has become vacant.

216. If, during the year for which he was elected, any of said commissioners shall die, resign, or refuse to act, or remove from said town, or be otherwise disqualified to act, an election to fill such vacancy shall be held, at which all persons qualified to vote at a regular election may vote. Ibid. s. 5. Vacancy.

217. All elections shall be held and conducted as shall from time to time be directed by the by-laws of the corporation not contrary to law; *provided*, that one of the justices of the peace of the town of Vienna be empowered to appoint one judge and one clerk, to hold the first election for town commissioners, immediately after the passage of this act. Ibid. s. 6. How elections conducted. Proviso.

218. The said commissioners shall, at the first election, choose one of their number president of the board, who shall preside at the meetings of the commissioners, preserve order, give such directions as they may deem necessary to carry out the provisions of their charter and ordinances, and shall give the casting vote when the commissioners shall be equally divided. Ibid. s. 7. President of board.

219. They may appoint a clerk, and prescribe his duties, and allow him such compensation as they may deem proper; and all ordinances passed by the commissioners, or a majority of them, shall be recorded by the clerk, in a book to be kept by him for that purpose, which shall be open at all times to the inspection of any person interested, and copies of all ordinances shall be put up in the most public places in the town. Ibid. s. 8. Clerk.

220. They may levy an equal tax on the property within the town limits to such amounts as they may from time to time deem necessary, which tax shall be collected by a collector appointed by said commissioners, who shall have the same power to distrain therefor as the collector of county taxes. Ibid. s. 9. Taxes.

221. The commissioners shall fix the terms of office, responsibility and compensation of the collector by them appointed. Ibid. s. 10. Collector.

Ibid. s. 11.
Bailiff.

222. They may annually appoint a bailiff, whose duty it shall be to preserve the peace and good order of the town, and who, within the town, shall have all the powers of a constable.

Ibid. s. 12.
Powers of commissioners.
Proviso.

223. They may straighten and widen streets, make footways, build bridges, and when necessary open new streets; *provided*, that no ground shall be used for the straightening, widening or opening of streets until the owner or owners, his, her or their representative of the land to be condemned, shall have received or been tendered payment therefor, the valuation of the land to be ascertained by a jury of five disinterested persons, two to be chosen by the commissioners, two by the owner or owners, his, her or their representative, and one by the four jurors so chosen, who shall meet upon the land and there determine the valuation of the same, and when so valued they shall inform the commissioners, and the owner or owners, his, her or their representative, of the valuation so determined upon, and upon the amount so determined upon by the jurors being paid to the owner or owners, his, her or their representatives of the land so condemned, it may and shall be considered as equivalent to a deed given by them to the commissioners.

Ibid. s. 13.
Streets.

224. They shall keep the streets and public roads lying within the limits of the town in good repair, and the bailiff or other person appointed by them for that purpose shall within the town, have all the powers of a supervisor of roads.

Ibid. s. 14.
Dogs and bitches.

225. They may levy a reasonable tax on dogs and bitches belonging to or kept by any of the inhabitants of the town, to be recovered and collected as other town taxes are, and may impose reasonable fines and penalties to restrain dogs and bitches from running at large in said town, and may authorize and compel the bailiff to kill any dog or bitch within said town whose owner cannot be ascertained, or who shall refuse to pay the taxes, fines and penalties imposed by this section.

226. All fines and forfeitures under the ordinances of said corporation shall be paid immediately, if not the offender shall give bail for his appearance before a justice of the peace in and for Dorchester county.

Ibid. s. 15.
Fines and forfeitures.

227. The said commissioners shall meet as often as occasion may require, and not less than twice in every six months.

Ibid. s. 16.
Meetings.

In force and approved March 23, 1868.

WILD FOWL.

1868, c. 92, an act to permit the citizens of Hooper's Island to shoot and take wild fowl from sink boats, blinds or otherwise, for home consumption, within the waters surrounding said island not exceeding one mile from the shores of said island, may be found under Public General Laws, Art. XCVIII, WILD FOWL.

ARTICLE XI.

Frederick County.

CIRCUIT COURT.

40. Terms.

FENCES.

- 81. Joint fences to be repaired, &c.
- 82. Refusing to repair, &c., remedy: proviso.
- 83. Discontinuing fence: notice.

FREDERICK.

- 162. Water pipes.
- 163. Streets.
- 164. Condemning property.
- 165. Proceedings to condemn.
- 166. Loan: bonds.
- 167. Revising, &c., assessments: appeal.
- 168. Levy and collection of taxes.
- 169. Vagrants.

CIRCUIT COURT.

1868, c. 7 repeals and re-enacts section 40 so as to read as follows:

SEC. 40. The circuit court for Frederick county shall hold two terms for both common law and equity proceedings, commencing on the third Monday of February, and on the third Monday of September in each and every year, at which terms, jurors shall be summoned; also two other terms for law and equity proceedings commencing on the second Monday in May and on the second Monday in December in each and

1868, c. 7.
Terms.

every year, to which terms jurors shall not be summoned; the trial terms of said court for the cases depending therein upon issues of fact to be tried by a jury, shall be the term to which jurors shall be summoned, next succeeding the terms to which the original process may be returnable; the next session of the circuit court for Frederick county shall commence on the third Monday of February next instead of the second Monday of February next as now provided by law, and all process, writs, original, summons, or judicial or any other process now issued by said court purporting to be returnable on the second Monday of February next, shall be returnable on the third Monday of February next, and have the same validity and effect when so returned, as if originally issued returnable on the third Monday of February next, and all original and final process, both at law and in equity, shall be returnable to the term next succeeding the date of the issue thereof.

In force and approved January 22, 1868.

FENCES.

1868, c. 304 adds the following sections to this article:

1868, c. 304.
Joint fences, to
be kept in re-
pair, &c.

81. Whenever joint fences have or may be established in said county for the mutual advantage of owners of adjoining arable lands, each shall keep in good repair his respective proportion thereof in the manner following, that is to say: all post and rail or plank fences shall be at least four feet and a half high; stone fences four feet high, and all worm or other fences shall be at least five feet high, and the distance, in any case to be computed from the ground or base of any embankment on which the same may be placed.

Refusing to re-
pair, &c.

82. That if either of the parties making or keeping a joint fence between arable lands shall refuse or delay to repair his proportion thereof within twenty days after notice in writing, given to him or his agent, upon

proof thereof before a justice of the peace, the justice ^{Remedy.} may, under his hand and seal, authorize the party aggrieved to repair said fence, and for so doing he shall be reimbursed all costs and reasonable expenses necessarily incurred, to be recovered from the party so refusing and delaying, in the manner debts of a like amount are recoverable, and he shall have a lien on the adjacent arable land or farm of the person who shall have refused or delayed to make and repair said fence, so as to secure the reimbursement of the costs and expenses of such making and repairing in the event of the transfer of said land; *provided*, the pro- ^{Proviso.}ceedings to enforce such lien be commenced by the party or his representatives within two years next after such repair shall have been done.

83. That if joint fences are not made and kept in ^{Keep in repair.} repair according to the provisions of this law, the party aggrieved or likely to be injured, instead of pursuing the remedy prescribed in the preceding section, may discontinue the said fence upon giving three month's ^{Discontinuing fence.} notice in writing to the party refusing or delaying, his agent or tenant, and in all other cases, (unless by mutual consent,) twelve month's notice shall be ^{Notice.} required to discontinue any joint fence.

In force and approved March 30, 1868.

FREDERICK.

1868, c. 87 adds the following sections to this article to follow section 161: [Sup. 552.]

162. The mayor, aldermen and common council of ^{1868, c. 87.} Frederick shall have full power and authority to ^{Water pipes.} extend the pipes conveying water to any place within the police corporate limits of said city.

163. The mayor, aldermen and common council of ^{Streets.} Frederick shall have full power and authority to widen any of the streets, lanes and alleys within the limits of said city, and to open and establish any new streets, lanes or alleys within the limits of said city,

and are hereby vested with full power and authority to take and use any buildings, lots or ground necessary to widen or open any such streets, lanes or alleys.

Condemning
property.

164. In case the said mayor, aldermen and common council of Frederick city and the party or parties owning the real estate required for the purpose of opening or widening any street, lane or alley within the city of Frederick cannot agree upon the compensation for the same, or if the parties owning the same shall be under age, idiots, lunatic, *feme coverts*, or absent from the county, or shall be trustees having no beneficial interest therein or *cestuis que trust*, or shall labor under any disability, then it shall and may be lawful for the said mayor, aldermen and common council of Frederick to have the same valued by a jury, to be summoned in the manner provided by article eleven of the Code of Public Local Laws, sub-chapter entitled Frederick, and the supplement thereto.

Proceedings to
condemn.

165. All proceedings in relation to the condemnation of all buildings and grounds necessary for the opening or widening of any of the streets, lanes or alleys in Frederick city, shall be conducted in the manner prescribed by the act entitled an act to add additional sections to article eleven of Public Local Laws of Frederick county, relating to the power and duties of the mayor, aldermen and common council of Frederick city, passed at January session, eighteen hundred and sixty-seven, of the general assembly of Maryland, chapter ninety-six, [Sup. 549,] so far as the same are applicable.

Loans.

166. It shall and may be lawful for the mayor, aldermen and common council of Frederick to borrow, on the faith of the corporation of Frederick a sufficient amount of money to pay for the condemnation of all lands necessary for the introduction of an additional quantity of water, and for the cost of such introduction of water into the city; also, to pay for all property condemned for the erection of market or markets, and the cost of the building and erection of suitable market house or market houses, and also to pay for all property

condemned for the purpose of opening or widening of any streets, lanes or alleys within the city of Frederick, with full power to issue bonds in the name of the ^{Bonds.} mayor, aldermen and common council of Frederick, to be signed by the mayor, and countersigned by the register, in sums not less than one hundred dollars, bearing interest, the interest payable semi-annually, payable in twenty years from the date thereof, and redeemable at any time within five years after date, at the pleasure of the said corporation, the interest whereof shall be receivable in payment of corporation taxes.

167. The mayor, aldermen and common council of Frederick shall have power at such time or times as they may think proper, to appoint commissioners or assessors, to revise, amend, correct, alter and change the assessment of the property of the citizens of said municipal corporation, and to add to or reduce the valuation of the property real or personal of said citizens or any portion thereof; thereupon the taxes hereinbefore authorized shall be levied on such new revised or changed valuation. And it is further provided that ^{Revising, &c., assessments.} a right of appeal from the assessment made as aforesaid by the said tax commissioners shall be had to the mayor and board of aldermen and the president of the board of common council, or either two of them, whose duty it shall be, under such terms as may be prescribed by the corporate authorities aforesaid, to examine into the merits or demerits of such appeal, and whose decision in the premises shall be final, and the assessment so corrected and amended shall be applicable to all taxes authorized under the authority of the corporation of Frederick aforesaid. ^{Appeal.}

168. The said mayor, aldermen and common council are hereby authorized and empowered to levy and collect all necessary taxes on the real and personal property within the taxable limits of said corporation as are now assessed and taxed within said limits for county and state purposes under the recent assessment made in pursuance of the act of eighteen hundred and sixty-six, chapter one hundred and fifty-seven, and ^{Levy and collection of taxes.}

the supplement thereto, passed at the January session, eighteen hundred and sixty-seven, chapter three hundred and forty-one, [Sup. 268,] or upon any assessment hereafter made in pursuance of law, of the real and personal property within the taxable limits of said corporation, to pay all expenses and debts of said corporation and all obligations incurred by said corporation in pursuance of the power vested by the charter or any supplement thereto.

Vagrants.

169. In case any persons be committed to jail for non-payment of the fine imposed for vagrancy, it shall and may be lawful for the mayor of Frederick city to take such persons out of jail during the time for which they may be committed, and compel them to work during the time for which they may be committed at such labor as shall be required by the mayor of Frederick.

In force and approved March 3, 1863.

FREDERICK AND PENNSYLVANIA LINE RAIL ROAD COMPANY.

By the act of 1868, c. 423, the mayor, aldermen and common council of Frederick, are authorized and empowered to subscribe to the capital stock of the Frederick and Pennsylvania Line Rail Road Company, the sum of one hundred and fifty thousand dollars, and in the discretion of said Mayor, aldermen and common council, any further sum not exceeding, in the aggregate, the sum of two hundred and fifty thousand dollars; and in case a less sum than two hundred and fifty thousand dollars may be subscribed to the said capital stock, then the said mayor, aldermen and common council are authorized to endorse the bonds of said company to any amount which, with the amount subscribed to said capital stock, shall not exceed in the aggregate the sum of two hundred and fifty thousand dollars, which endorsement shall be secured in such manner and on such terms as may be agreed upon between the said mayor, aldermen and common council, and the said rail road company.

That the said mayor, aldermen and common council, be and they are hereby authorized and empowered to issue bonds of the corporation of Frederick, bearing interest not exceeding six per centum per annum, payable semi-annually for such amount, from time to time, as may be required to pay the amounts which may be subscribed to said capital stock, which bonds shall not be subject to taxation for county or corporation taxes; and to levy on the assessable property within the limits of said municipal corporation, using as the basis of said levy the assessment of the real and personal property within the limits of said municipal corporation, made under the act of eighteen hundred and sixty-six, chapter one hundred and fifty-seven, and the supplement thereto, passed at the January session, eighteen hundred and sixty-seven, chapter three hundred and forty-one, or any assessment hereafter made according to law, such amount of taxes as may be required to pay the interest on said bonds and the principal debt, should the same become neces-

sary; and also to constitute a sinking fund for their redemption, and also when, and if the said mayor, aldermen and common council shall endorse any of the bonds of said rail road company, as herein before provided, the said mayor, aldermen and common council shall levy, as aforesaid, such amount of taxes as may be sufficient to pay the interest on said endorsed bonds, or any part thereof, the payment of the interest on which may not be safely and securely provided for by said rail road company, and said bonds so endorsed shall not be subject to county or municipal taxation.

That the bonds which may be issued as aforesaid, shall be payable not more than thirty years from date, reserving the privilege of paying the same at any time not less than five years from date, and shall not be sold or disposed of at less than par.

That at a municipal election to be held in Frederick, at such time and place as may be fixed by an ordinance of the mayor, aldermen and common council of Frederick, there may be written or printed on the ballots of the legal and qualified voters at said election the words, "For Rail Road Subscription," or "Against Rail Road Subscription," and if a majority of the ballots cast shall contain the words "For Rail Road Subscription," then this act shall become operative and binding; but if a majority of said ballots shall contain the words "Against Rail Road Subscription," then this act shall be void and of no effect, and the judges of said municipal election shall return to the mayor of Frederick the number of votes cast "For Rail Road Subscription" and "Against Rail Road Subscription" respectively, and the said mayor shall, by his proclamation, announce the result thereof.

ROADS.

See the act of 1868, c. 189 authorizing the location of a public road in Frederick and Carroll counties, under Public Local Laws, Art. VII, Carroll County.

ARTICLE XII.

Harford County.

HAVRE DE GRACE.

42. Incorporated.
43. Limits of town.
44. Who to vote.
45. Elections.
46. Vacancy among commissioners.
47. Neglect to elect.
48. Commissioners' oath.
49. Meetings.
50. Clerk.
51. Ordinances.
52. Streets.
53. High water.
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56. Taxes.
57. Assessors.
58. Appeal from assessments.
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60. Bailiff.
61. Town taxes.
62. Drains and sewers.
63. Grading and leveling streets.
64. Excavations.
65. Walls or fences.
66. Temporary use of streets.
67. Fines and penalties.
68. How property vested.
69. Loans.
- Sub-Sec. 1. Paving, &c., footways.
- Sub-Sec. 2. Neglect to pave, &c.: remedy.
- Sub-Sec. 3. Supervisor.
- Sub-Sec. 4. Almshouse.
- Sub-Sec. 5. Fines, how collected.

SHERIFF.

135. Boarding prisoners.

BRIDGE.

See the act of 1868, c. 412, for building a bridge over Little Gunpowder river, at Emory's ford, under Public Local Laws, Art. III, Baltimore County.

HAVRE DE GRACE.

1868, c. 159 repeals and re-enacts sections 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 56, 57, 58, 59, 60, 61, 62 and 69 of this article and adds sections thereto so as to read as follows:

1868, c. 159.
Incorporated.

SEC. 42. The citizens of Havre de Grace, in Harford county, are a body corporate, by the name of "The Commissioners of Havre de Grace," and by that name may sue and be sued, may have and use a common seal, and may purchase and hold any property, real, personal or mixed, and dispose of the same for the benefit of said town.

Limits of town.

43. The limits of the town of Havre de Grace shall be as follows: beginning for the same at the north end of Lycoming street, as designated on the map thereof by Septimus Norris, in the year eighteen hundred and thirty-eight, and running thence in a straight line with said street northerly three-fourths of a mile, thence easterly parallel with Huron street to the east side of the embankment of the Tidewater Canal, thence by and with said embankment and improvements of said embankment to the outlet and lock of said canal, thence by and with the Susquehanna river and Chesapeake bay to the east end of Pocomoco street, thence by and with Pocomoco street, until it intersects Columbia street, thence in a straight line to the intersection of Alliance and Lycoming streets, and thence by and with Lycoming street to the place of beginning.

Who to vote.

44. All free white male citizens of Havre de Grace, above the age of twenty-one years, who shall have *bona fide* resided in said town for six months, and twelve months in the state next preceding the election, shall, on the first Monday in January in each year, at such place as shall be designated by the corporation, elect

five judicious and discreet persons, who have resided in said town for at least twelve months next preceding the election, commissioners of said town.

45. All elections shall be held and conducted as Elections. shall from time to time be directed by the by-laws of the corporation, not inconsistent with the provisions of this charter.

46. If any of the commissioners during the year for which they were elected, shall die, resign, remove from said town, or be otherwise disqualified, an election to fill the vacancy shall be held, and all persons qualified to vote at the regular, may vote at such special election. Vacancy among commissioners.

47. If the inhabitants of said town at any time neglect to make an election, the power of electing commissioners shall not, therefore, cease, but shall continue as though such election had been made, and the president and commissioners for the time being shall remain in office until such election shall be held. Neglect to elect.

48. Every commissioner, before he acts, shall take an oath before some justice of the peace of Harford county, that he will diligently and faithfully, according to the best of his judgment, perform the duties of a commissioner of the said town without favor partiality or prejudice, and a certificate of such qualification shall be made and returned by such justice to the commissioners, to be filed and recorded among their proceedings. Oath of commissioners.

49. The commissioners shall have power to meet from time to time, as they shall deem proper, and shall, at their first meeting after an election, choose from their own body a president, who shall preside at all meetings of the commissioners, vote on all questions before them, and remain in office until superceded by the appointment of a new president, after a new election of commissioners. Meetings.

50. The commissioners, or a majority of them, shall have power to appoint a clerk and prescribe his duties, and allow him such compensation as they may think proper. Clerk.

- Ordinances.** 51. All ordinances passed by the commissioners shall be entered by the clerk in a book to be kept by him for that purpose, which shall be open at all times to the inspection of any person interested.
- Streets.** 52. They may lay out and continue to the Susquehanna river and the basin of the Tidewater canal, the streets designated on the plat of said town as Jefferson, Madison, Monroe, Van Buren and Erie streets.
- High water.** 53. They shall determine what was high water mark before the construction of the basin of the Tidewater canal.
- Wharves.** 54. They shall have power and authority to determine upon and regulate all matters relating to the erecting or building of wharves in the said town, to regulate the moving of rafts, arks and boats, and to prevent all nuisances and obstructions from being placed in the waters of the Susquehanna river in front of said town.
- Appeal.** 55. Any person aggrieved by the decision of the commissioners in fixing the line or point of high water mark may, at any time within one year, appeal to the circuit court for Harford county, and the said court shall hear testimony and review the decision.
- Taxes.** 56. The said commissioners shall have power to levy and collect taxes in said town, not exceeding in any one year sixty cents in the hundred dollars, on the assessable property of said town.
- Assessors.** 57. They shall, once in every five years, or oftener if they think proper, appoint two assessors, who shall value and assess the property in said town, in the same manner and with like authority as county assessors, but in assessing any of the lands within the limits of the town, which may be occupied and used as farms, or may be part or parts of farms, such lands shall be valued and assessed as lots of ten acres, with the buildings and improvements thereon, and not by the number of acres in said farms or parts of farms; and said assessors shall make oath before the said commissioners that they will faithfully and impartially make the said assessment to the best of their judgment; and they

shall be paid for their services by said commissioners, out of the taxes levied as aforesaid.

58. Any person may appeal from the assessment of the assessors to the said commissioners, who may make such deductions therefrom as they may deem just, and they may add thereto the value of any property which may have been omitted in the assessment, and all buildings and improvements, and all property created or acquired since said assessment, and make transfers of such property as has changed owners since said assessment.

Appeal from assessments.

59. The commissioners may, from time to time, under such conditions as they may by their ordinances direct, appoint such officers as they may deem necessary to carry into effect their ordinances, among whom shall be a town bailiff, who shall *ex-officio* be collector of the town tax, and shall, within said town, have all the authority of a constable.

Town officers.

60. The said bailiff shall give bond, to be approved by the county commissioners as other constables, for the faithful performance of his duty as constable, and also bond to the commissioners of the said town, for the faithful performance of his duty as town bailiff, and as collector of the town tax, and the faithful performance of such duties as shall be imposed on him by the ordinances of said commissioners; and if said bailiff shall wilfully fail to discharge any duty of his office, he may be fined, at the discretion of the commissioners, not exceeding ten dollars for any one offence.

Bailiff.

61. The said bailiff may enforce the payment of town taxes, in the same manner and with the like effect as collectors of state and county taxes, may enforce the payment of state and county taxes.

Town taxes.

62. The commissioners shall have power to make and keep in repair all requisite drains and sewers, and to make regulations for keeping them open, and if any person or persons shall wilfully stop or obstruct the passage of water through any such drains or sewers, he or they shall be subject to a fine of ten dollars and the costs of putting such drains or sewers in order.

Drains and sewers.

Grading and
leveling streets.

63. The commissioners shall have power to grade and level streets and alleys, to remove nuisances and obstructions from the same, to prevent encroachments on the same by buildings or otherwise, and may pass all by-laws and ordinances necessary to give effect and operation to the powers hereby vested in them, and impose fines, penalties and forfeitures for the breach of their by-laws and ordinances; but no ordinance of said commissioners shall impose a fine, penalty or forfeiture for any one offence of more than ten dollars.

Excavations.

64. If any person shall excavate any lot or lots, or parts thereof, within the limits of the town of Havre de Grace in Harford county, for the purpose of obtaining moulding sand, or otherwise, to the depth of two feet or more, and the said lot or lots, or parts thereof, shall remain uncovered, it shall be the duty of such person to make and keep in constant repair good and sufficient underdrains, that will carry off all water that may collect and would otherwise remain in them, in the part or parts thereof so excavated, and said underdrains shall be well covered and secured so as not to endanger or incommode the public travel, or other proper use of any street or alley through which the same shall pass.

Walls or fences.

65. Where the excavation of any lot or lots or parts thereof, as aforesaid, to a depth of two feet or more adjoins any of the streets or alleys in the town of Havre de Grace aforesaid, it shall be the duty of the owner or owners of such lot or lots to immediately erect and keep in constant repair good and sufficient walls or fences along such streets and alleys, or parts thereof, where such excavations so adjoin so as effectually to protect such thoroughfares from injury, and render the use thereof by the public as safe and convenient as before such excavations were made.

Temporary use
of streets.

66. The commissioners of Havre de Grace shall consent to the temporary use of any street or public thoroughfare of the said town, which may be required to enable the owner of any excavated lot or lots, as aforesaid, to comply with the provisions of the preced-

ing sections in constructing the said underdrains, walls or fences.

67. The said commissioners shall have full power ^{Fines and penalties.} to prescribe fines and penalties not less than ten nor more than one hundred dollars, against the owner of any excavated lot or lots as aforesaid, who, after receiving ten days' notice in writing, shall refuse or neglect to comply with the provisions of the three preceding sections, and the fines and penalties prescribed as aforesaid, shall be recoverable in the name of the said corporation before a justice of the peace of Harford county, and when collected shall be paid to the treasurer duly appointed by the commissioners aforesaid, for the sole use and benefit of the said corporation.

68. All the property held by former commissioners ^{How property vested.} of Havre de Grace, under law grants or otherwise, is vested in the said commissioners.

69. The said commissioners may borrow on the faith ^{Loans.} of the corporation of said town any sum of money not exceeding five thousand dollars, and may issue bonds for the same bearing the regular legal interest of this state, and in such sums and payable at such times as the commissioners may direct, not exceeding twenty dollars, but they shall not issue any note, token or evidence of debt to be used as currency.

Sub-Sec. 1. The said commissioners may direct by ^{Paving, &c., footways.} ordinances all or any of the footways within the taxable limits of the town, to be laid off, levelled and paved, or repaired with such materials as they may deem best, at the expense of the proprietors of the different lots, in front of which the same shall be done; *provided*, that said commissioners shall first grade said ^{Proviso.} footway, and place curbstones to the same at the expense of the corporation.

Sub-Sec. 2. If any owner or tenant of any house or ^{Neglect to pave, &c.} lot or part of a lot, or the person having charge thereof, shall refuse or neglect to pave or repair the footway in front of the same, according to the ordinance of the commissioners, the commissioners, or a majority of them, may contract with some person on reasonable

Remedy. terms to have or repair the same, and may collect the expense thereof, with costs, by distress on such property.

Supervisor. Sub-Sec. 3. The commissioners may appoint a supervisor of streets, lanes and alleys of the town and precincts, and may order and direct in what manner the streets, lanes and alleys shall be kept and repaired.

Almshouse. Sub-Sec. 4. The commissioners shall have power to provide for and take care of any person or persons suffering from accident or otherwise who are unable to take care of themselves, and if deemed necessary shall have them sent to the almshouse of Harford county, and all expenses so incurred shall be repaid to the commissioners by the county commissioners of Harford county, who are hereby authorized and required to levy annually for such amounts, payable to the commissioners of Havre de Grace.

Fines, how collected. Sub-Sec. 5. All fines imposed by any ordinance of said commissioners may be collected in the name of the commissioners before a justice of the peace similar to the mode of collecting small debts, and the delinquent shall stand committed to the county jail until the same is paid with costs. The sheriff of Harford county shall receive and safely keep in the jail of said county all persons who shall be committed by any justice of the peace of said town to said jail for breach or violation of any of the ordinances of said town, according to the tenor of the commitment, and in the same manner and under the same regulations as persons committed for the violation of the laws of the state.

Sheriff.

This act further enacts that this act shall take effect from the date of its passage, and the general assembly reserves to itself the right to amend, alter or repeal this act at pleasure.

In force and approved March 20, 1868.

ROADS.

By the act of 1868, c. 219 the county commissioners of Harford county are authorized, upon the application of William S. Bowman, to cause to be located and laid out for him a private road from the land of said Bowman, which is described in a

deed from Henry Bowman, senior, to Henry W. Archer, over the best and most convenient location for such road, in the manner now provided by law for locating and opening private roads, and in making such road may cause any fruit trees standing in the way to be removed; *provided* such commissioners are satisfied that said road ought to be granted; and, *provided*, also, that said Bowman shall pay the costs and expenses of locating and making such road, and such damages as may be assessed in the manner prescribed by law.

SHERIFF.

1868, c. 135 amends and re-enacts section 135 so as to read as follows:

135. He shall be entitled to forty-five cents per day for boarding each prisoner confined in said jail. 1868, c. 135.
Boarding prisoners.

In force and approved March 17, 1868, to continue in force for four years.

ARTICLE XIII.

Howard County.

COUNTY COMMISSIONERS.

8. Compensation to collectors.

ELECTIONS.

21. Election districts.

25. Places of holding elections: notice.

ROADS.

40. Road districts.

41. Road service: notice: proviso.

42. Exemption.

43. Tools, &c.: commutation.

44. Failure to obey summons: fine.

45. Penalty.

46. Supervisors' bond: laborers: per diem to supervisors.

47. When county commissioners to subscribe for capital stock of turnpike companies: proviso.

48. Bonds of county: levy.

BRIDGE.

See, as to bridge at Elkridge Landing, the act of 1868, c. 261, under Public Local Laws, Art. II, Anne Arundel County.

COUNTY COMMISSIONERS.

1868, c. 395 repeals section 8 and enacts the following in lieu thereof:

SEC. 8. The collector for the first collection district shall receive four per cent., and the collector for the second collection district four per cent., on all sums by 1868, c. 395.
Compensation to collectors.

them respectively collected and paid over, and the said county commissioners shall, in the general levy for state and county taxes, include an amount sufficient to cover the commission for collecting the whole of said taxes at the rates aforesaid.

In force and approved March 30, 1868.

ELECTIONS.

1868, c. 388 enacts the following and repeals all acts or parts of acts inconsistent therewith:

1868, c. 388, s. 1.
Election district.

24. All that portion of the county now included within the first election district of Howard county, lying within the following bounds, is hereby created a separate and distinct election district, to be styled the sixth election district of Howard county, to wit: beginning at a line at Jessop's Cut, on the Washington Branch of the Baltimore and Ohio Railroad, and running from thence, and binding on the old Annapolis and Elk Ridge road, which passes by the present election house of the first election district aforesaid, until it intersects the Columbia turnpike, thence running with and bounding on the said Columbia turnpike, until it intersects the division line between Montgomery and Howard counties at the Patuxent river, thence bounding on said river until it intersects the Washington Branch of the Baltimore and Ohio Railroad, and thence bounding on said road to Jessop's Cut at the place of beginning.

Ibid. s. 2.
Places of holding elections.

Notice.

25. The county commissioners of Howard county are authorized and directed to designate places of holding elections within the first and sixth districts of said county, and they are hereby requested to give public notice of the places so selected, for at least three weeks prior to the holding of any election in said county.

In force and approved March 30, 1868.

ROADS.

1868, c. 358 entitled an act to provide for the repairs of the public roads of Howard county, enacts the following, and repeals all laws or parts of laws inconsistent therewith:

40. The county commissioners of Howard county shall have power to sub-divide each or any of the election districts of said county into road districts, and to appoint a supervisor for each of the said road districts. 1868, c. 358, s. 1.
Road districts.

41. All able bodied male residents of said county, who have resided thirty days in said road district, of the age of twenty-one and upwards, who do not reside within the limits of an incorporated town, shall be compelled to labor at least one day in every year, on the public roads in the road district in which they reside; and the road supervisors, whenever the public roads shall need repairs, shall summons all such persons in his district to make such repairs, by giving five days' notice of the time and place of meeting; Ibid. s. 2.
Road service. *provided*, that no person shall be compelled to labor Notice.
Proviso. more than three miles from his place of residence.

42. If any person from whom such labor on the public road shall be required, under the provisions of of the preceding sections, shall make it satisfactorily appear to the supervisor of said road district, that he is physically unable to perform the said labor, and is not able to pay the fine hereinafter provided, or to furnish a substitute, it shall be the duty of the supervisor to exempt such persons from the performance of the said labor. Ibid. s. 3.
Exemption.

43. The said county commissioners shall furnish to the road supervisors whatever implements or tools may be necessary for the repairs of the roads, and the said supervisors may make commutation of labor for teams and carts, or wagons, or furnish the same as they may deem proper, and the said county commissioners are hereby authorized to fix and establish the Ibid. s. 4.
Tools, &c.
Commutation.

amount to be allowed to the owner per day for the use of such teams, carts or wagons.

Ibid. s. 5.
Failure to obey
summons.

44. Every person liable as aforesaid to labor on the said roads, who shall fail to obey the summons of the road supervisor, or furnish a substitute, shall upon demand made by said supervisor, pay to him the sum of one dollar and fifty cents, and the said supervisor shall collect and account under oath to the county commissioners for all sums of money so collected, and shall apply the same under the directions of said county commissioners, to hiring laborers to work on the public roads, and shall pay over to his successors upon the order of the county commissioners any surplus that may remain in his hands; and the said supervisor shall make a report once in every three months to the county commissioners of the money received and expended by him.

Ibid. s. 6.
Penalty.

45. Any person liable to labor on the said roads as hereinbefore provided, who shall fail to obey any summons made as aforesaid, or to furnish an acceptable substitute, and who shall refuse upon demand made as aforesaid to pay to said supervisor the sum of one dollar and fifty cents, shall be deemed guilty of a misdemeanor, and shall upon presentment, indictment and conviction thereof in the circuit court for Howard county, be fined a sum not exceeding ten dollars, and shall be liable for all costs of prosecution, and shall be committed to the county jail until such fines and costs are paid; *provided*, that when any party committed to jail under the provisions of this section shall have remained in jail for the space of ten days, such party may be discharged therefrom by the order of the court ordering the commitment; and all such fines shall be paid to the county commissioners of the county aforesaid, to be by them applied for the purpose of repairing the public roads in said county, and the judges of the circuit court for Howard county, shall give this act in charge to the grand jury of the county at each term of said court.

Proviso.

46. The county commissioners of said county shall require each and every supervisor to give bond to the state of Maryland, to be approved by them in such penalty as they may deem necessary, conditional for the faithful performance by said supervisor of the duties required of him, which said bond may be put in suit by the county commissioners, for the benefit of any person suffering by neglect of said supervisor in keeping the roads in his district in proper order, or for the moneys that may come into his hands under the provisions of the preceding sections, and the said county commissioners shall have power to fix the price to be paid for laborers on said roads, and to authorize the said supervisor to have such number of laborers as they may deem necessary, and the said county commissioners shall pay to said supervisors such salaries or *per diem* as they may deem just and reasonable, not to exceed three dollars per day.

Ibid. s. 7.
Supervisors'
bond.

Laborers.

Per diem to
Supervisors.

Passed and approved March 3, 1868.

1868, c. 353 enacts the following:

47. Whenever three-fifths of the capital stock of any turnpike company in Howard county, chartered and organized since the first day of January, eighteen hundred and sixty-eight, shall have been subscribed for and taken by responsible, *bona fide* stockholders, the county commissioners of Howard county are authorized and empowered, in their discretion, to subscribe for the remaining two-fifths of said capital stock in the name and for the benefit of said Howard county, and shall be entitled to be represented at all meetings of the stockholders of said company by the county commissioners for the time being, or by such person or persons as may be duly authorized by them; *provided*, however, that in accordance with the provisions of article three, section fifty-four, of the constitution, this act shall be published for two months before the next elec-

1868, c. 353, s. 1.
When commis-
sioners to sub-
scribe for capi-
tal stock of
turnpike com-
panies.

Proviso.

tion for members of the house of delegates in the newspapers published in the said county, and shall also be approved by a majority of all the members elected to each house of the general assembly at its next session after said election.

Ibid. s. 2,
Bonds of
county.

Levy.

48. The county commissioners of the said county, are authorized to issue the bonds of the county to the amount of the stock so subscribed, and to negotiate said bonds upon the most favorable terms, and the said county commissioners are authorized to levy upon the assessable property of the county an amount sufficient to pay the annual interest upon said bonds.

In force and approved March 30, 1868.

ARTICLE XIV.

Kent County.

CHESTERTOWN.

35. Who to elect commissioners: incorporation.

46. Clerk of county commissioners to furnish assessment of real property: pen-

alty: powers of town commissioners: collector.

ROADS.

168. Sidewalks of roads: driving, &c., horses, &c., over same: penalty: proviso.

BRIDGES.

See under the Public Local Laws, Art. VIII, Cecil County, the act of 1868, c. 349, authorizing and empowering the county commissioners of Cecil and Kent counties to build a bridge over Sassafras river, from Fredericktown, in Cecil county, to Georgetown, in Kent county, and to levy a sum of money for the same.

CHESTERTOWN.

1868, c. 381 repeals and re-enacts sections 35 and 46 with amendments to read as follows:

1868, c. 381.
Who to elect
commission-
ers.

SEC. 35. The white male citizens of Chestertown in Kent county, of twenty-one years of age and upwards, the owners of real estate in said town in their own

right or in right of their wife, and who have resided in Chestertown or the precincts thereof one whole year next preceding the day of election, shall annually, on the fourth Monday in May, elect seven persons of lawful age, each of whom shall be the owner of real property in said town in his own right, or in the right of his wife, and shall reside therein, commissioners for said town, and the persons so elected by the name of The Commissioners of Chestertown, are hereby declared Incorporation. to be a body politic with power to sue and be sued, and use a common seal and the same to alter at their pleasure.

46. The said commissioners shall procure from the clerk of the county commissioners for said county, who is hereby authorized and required under the penalty of five hundred dollars to be recovered on presentment or indictment in the circuit court of Kent county for their use, to furnish the same, between the tenth day of June and the twentieth day of July, and assessment of all the real property and houses within the limits of said town, and the names of the persons assessed therewith, and may levy on the property so assessed such sum of money as they may deem necessary, not exceeding twenty-five cents in the hundred dollars in any one year, and may appoint and qualify a person to collect the same, and if the collector of the county taxes for the election or other district in which Chestertown is situated shall be appointed, it shall not be lawful for him to decline receiving and acting upon the said appointment, or refuse to execute his bond for the performance of his duty, according to law and as provided in section forty-seven of the Code of Public Local Laws, title, Kent county. Clerk of county commissioners to furnish assessment of real property. Penalty. Powers of town commissioners. Collector.

In force and approved March 30, 1868.

ORPHANS' COURT.

By the act of 1868, c. 417 the orphan's court of Kent county are authorized and empowered to examine the record books of wills in the office of register of wills of Kent county, and if in their judgment, the record of wills from seventeen hundred

and eighty-one to seventeen hundred and ninety, shall need to be transcribed to preserve the said record of wills, that they cause the register of wills to transcribe the same in a well bound book, fairly indexed, and in a good and legible hand writing, and if in their judgment any of the record books in said office shall absolutely need binding, that they order and direct the register to have the same rebound in a good and substantial manner, and if any of the indexes to them shall be imperfect, to direct that the same be made perfect; and that the register of wills of Kent county be and he is hereby authorized and required to make, or cause to be made, a general index of all wills recorded in his office, noting the liber, page and date, and cause the same to be well and strongly bound with blank leaves at the end of each principal letter, on which, from time to time, shall be entered such other wills as may be proved and recorded; and that the said orphans' court, after the whole work aforesaid shall be completed, shall certify the cost thereof to the county commissioners, who shall cause the same to be levied on the assessable property of Kent county for the use of the said register of wills, provided that the same shall not exceed in amount the sum of five hundred dollars.

ROADS.

1868, c. 182 amends this article by adding thereto a section to read as follows:

1868, c. 182.
Sidewalks of
roads.

Driving, &c.,
horses, &c.,
over.

Penalty.

Proviso.

169. It shall not be lawful for any person or persons to ride, drive or lead any horse, mare, mule, oxen, cow or other animal on or over the sidewalk on the western side of the main road leading from Galena, where the roads cross, to the hill at Georgetown, nor on the sidewalk on the northern and eastern side of the public road leading from the north-western precincts of Chestertown to the westernmost corner of Chester Cemetery on the road to Wheland's Mills, and any person thus offending, shall be subject to a fine of two dollars for the first offence, and three dollars for every subsequent offence, to be recovered before a justice of the peace as small debts are recovered, in the name of the county commissioners for Kent county, and such moneys when recovered shall be paid to them to be expended under their directions, for the purpose of repairing and improving respectively, the said sidewalks, which shall not exceed eight feet in width on their surface; *provided*, that nothing in this act shall prevent persons riding or driving across said sidewalks to obtain access to adjoining lands, or for the purpose of entering the grounds of Chester cemetery.

In force and approved March 28, 1868.

RAIL ROADS.

See under Public Local Laws, Art. VI, Caroline County, the act of 1868, c. 298 authorizing the construction of a branch road from some point in Caroline county, through Queen Anne's county, Kent county and Cecil county to Elkton.

1868, c. 6 is entitled an act to amend section 4 of the act passed at the January session 1864, c. 29, entitled an act to incorporate the Kent County Rail Road Company, passed on March 8, 1856, c. 148 to add four sections thereto and to appoint four new commissioners in the place of four deceased commissioners. Which act of 1868, c. 6 is amended by the act of 1868, c. 383. 1868, c. 9 is entitled an act to amend an act entitled an act to authorize and empower the county commissioners of Kent county to subscribe in behalf of said county to the capital stock of the Kent County Rail Road Company and to issue bonds for the same and to provide for their redemption, passed at January session, 1867, c. 139 [Sup. 578,] by adding a proviso to the first section of said act, relating to the issuing of county bonds, and the time for their payment.

1868, c. 62, is an act to amend section 14 of the act entitled an act to incorporate the Kent County Rail Road Company, c. 148, passed at the January session 1856, and to re-enact the same as amended.

1868, c. 283 repeals sections 4 and 5 of 1856, c. 148, and re-enacts the same with amendments.

And 1868, c. 64 authorizes and requires the comptroller and treasurer to estimate the bonds of Kent county, that may be issued by the county commissioners of said county to pay for stock subscribed in the Kent County Rail Road Company, at the average price at which they may be sold, as cash paid towards the construction of the Kent County Rail Road.

1868, c. 149, is an act to repeal a proviso in section 4 of the act passed at January session, 1867, c. 150 entitled an act to amend the charter of the Kent County Rail Road Company, passed January session, 1866, c. 148 entitled an act to incorporate the Kent County Rail Road Company, to secure the completion of the said road by the issuing of additional bonds of the company, and to provide for the payment of the state's subscription for stock in said company, to waive the state's lien relating to the state's payment of one-fourth of her subscription for stock in one year, and to re-enact the said section as thus amended.

By the act of 1868, c. 39 the Delaware Rail Road Company is authorized to extend a branch rail road across the state line into Kent county. The second section of this act is amended by the act of 1868, c. 360.

1868, c. 72 authorizes the comptroller and treasurer, when ascertaining the amount of paid up subscriptions to the capital stock of the Queen Anne's and Kent County Rail Road Company, to estimate the bonds of Queen Anne's county as cash, at a specified rate per cent. [Sup. 605.]

ARTICLE XV.

Montgomery County.

CIRCUIT COURT.

30. Terms.

JUSTICES OF THE PEACE AND CONSTABLES.

39. Number of justices and constables.

ROADS.

53. Board of road commissioners.

54. Powers and duties of commissioners.

55. Contracts for repair of road sections.

56. Road service: provisos.

57. Exemption.

58. Penalty.

59. Levy.

60. Failing to obey, &c.: penalty: fine: proviso: judges' duty.

61. Compensation to road commissioners.

CIRCUIT COURT.

1868, c. 11 amends 1846, c. 347, [Sup. 587] so as to read as follows:

1868, c. 11.
Terms.

SEC. 30. There shall be in each and every year four terms of the circuit court for Montgomery county for the transaction of law and equity business, and they shall commence and be held at Rockville, in said county, on the third Monday in January, the third Monday in March, the first Monday in June, and the second Monday in November; and jurors shall be summoned to said March and November terms, but shall not be summoned to said January and June terms of said court.

This act further enacts that it shall take effect from and after the first day of April next, and all process of said court then outstanding and not returned to said court shall be returnable to the June term of said court next thereafter, and the sheriff may be compelled to make due return of all such process to said June term, as if the said process had when issued been made returnable to said June term of said court.

Approved February 6, 1868.

JUSTICES OF THE PEACE AND CONSTABLES.

1868, c. 32 repeals section 39 and enacts the following as a substitute therefor:

1868, c. 32.
Number of justices and constables.

39. There shall be the following number of justices of the peace and constables for Montgomery county: for election district number one, three justices of the

peace and two constables; for election district number two, three justices of the peace and two constables; for election district number three, three justices of the peace and two constables; for election district number four, four justices of the peace and three constables; for election district number five, three justices of the peace and two constables; and one of the justices of the peace and one of the constables appointed for fourth district shall be residents in the corporation limits of the town of Rockville, and who shall give special diligence to preserve the peace of said town.

In force and approved February 18, 1868.

DIVISION LINE BETWEEN PRINCE GEORGE'S AND MONTGOMERY COUNTIES.

1868, c. 466 recites that whereas it has been represented to the legislature of Maryland that the division line between Montgomery and Prince George's counties is not clearly known and defined, and whereas it is of public importance that this line should be well ascertained and established; therefore, it enacts that Francis Valdinar, of Montgomery county, and Wm. W. Hall, of Prince George's county, are hereby appointed commissioners to run and mark the boundary line between Montgomery and Prince George's counties according to the law creating Montgomery county; and that the said commissioners shall associate with themselves James Anderson, Jr., of Montgomery county, and Thomas L. Patterson, of Prince George's county, surveyors, who shall, under the direction of the said commissioners, run, mark and define the said boundary line in a distinct manner.

That the said commissioners and surveyors shall meet at The Laurel, in Prince George's county, on the 15th of April next, or as soon thereafter as may be practicable, not exceeding thirty days, and the said commissioners shall thence proceed to discharge the duties imposed upon them by this act after having taken an oath to be administered to them by some justice of the peace for Montgomery or Prince George's county, faithfully and impartially to locate and establish the said line in such manner as they shall think right.

That the said commissioners may appoint chain carriers and such other persons as they may deem necessary, and allow them such compensation as they may deem reasonable, and the said commissioners shall carefully ascertain, mark and define the aforesaid boundary line, and shall make a complete and correct map thereof, and shall deposit the original in the office of the clerk of Montgomery county, and one copy thereof in the office of the clerk of Prince George's county, and the original or copies of said maps shall be conclusive evidence of the boundary line between the said counties.

That the sum of two hundred dollars is hereby appropriated to carry into effect the provisions of this act, and the same shall be under the direction of the governor for the purposes hereof, and the comptroller shall, under the order of the governor, draw his warrant on the treasurer for the said sum, or so much thereof as shall be necessary.

ROADS.

1868, c. 363 entitled an act providing for the repairs of the public roads of Montgomery county, enacts the following, and repeals all acts or parts of acts inconsistent therewith:

1868, c. 363, s. 1.
Bond of road
commission-
ers.

53. The county commissioners of Montgomery county shall appoint two experienced and competent persons in each election district, every two years, who shall be taxpayers in said county, at their first meeting next ensuing the passage of this law, or as soon thereafter as practicable, to remain in office two years, who, in conjunction with one of the county commissioners, shall constitute a board of road commissioners, a majority of whom shall have power to act, and who shall have charge of the public roads in the several election districts, and shall examine and report to the county commissioners on their condition and the amount of money required for their repairs.

Ibid. s. 2.
Powers and du-
ties of commis-
sioners.

54. It shall be the duty of the said board of commissioners to lay off all the public roads in their respective election districts into convenient sections, not exceeding five miles in length, and draw specifications for the same, numbering each road section, and proportion and allot to each section such labor as hereinafter provided for; and they are hereby authorized and empowered, on the first Monday in April, or as soon thereafter as practicable, to let or farm out to the lowest responsible bidder or bidders, the several road sections for repairs in their respective districts, or any part thereof, annually, requiring the contractor or contractors, lessee or lessees, to give bond for the faithful performance of their contracts, under proper penalties and restrictions, to be approved by the county commissioners, by giving at least fifteen days' notice of the time and place of letting said road sections, in any newspaper published in the county, or by written or printed notices posted at three or more of the most public places in said district; *provided*, that if from want of competition or from any other cause the bids

Proviso.

for any section or sections shall in the opinion of the board of commissioners be too high, they shall have the power of rejecting said bids; and are authorized and empowered to appoint a supervisor, with such compensation as the county commissioners shall deem just and proper, and shall be held to perform the duties and give the bond required under the contracts hereinbefore provided for.

55. The contracts or specifications for the repair of said road sections shall specify the manner in which the road shall be made and kept, wherever necessary and practicable, in the judgment of the commissioners, highest in the middle, with convex surface, and good side drains to carry off the surface water and the water that filters through the adjacent lands, with good breaks on hills at proper distances from each other, and that the principal repairs on said roads shall be made between the first of May and the first of September in each year, and the lessee or contractor shall be required under proper bond to keep such section or sections in such order as specified for one year, and he shall erect guide posts on the public roads at such places as directed by the said commissioners, for the convenience of travelers, pointing and directing the way and expressing the distances to other prominent places.

Ibid. s. 3.
Contracts for
repair of road
sections.

56. All male residents of the county above the age of twenty-one years, except those residing within the limits of incorporated towns, provided such excepted persons pay a corporation tax or work one day on the streets or roads within the corporate limits of said town, shall be compelled to labor one day in each year on the public roads in the road district in which they may reside; and the contractor or supervisor for any section or sections shall summon all such persons in his road district as shall be designated or allotted by said road commissioners, or such number as may be necessary for the repairs of such section, giving at least two days' notice of the time and place of meeting; and the contractor or supervisor shall furnish such tools as may be necessary to work said labor; *provided, however,*

Ibid. s. 4.
Road service.

Proviso.

no person shall be compelled to labor more than four miles from his place of residence.

Ibid. s. 5.
Exemption.

57. If any person from whom such labor may be due and required, shall make it satisfactorily appear to the said road commissioners that he is physically unable to perform such labor, or is a non-taxpayer, and over fifty years of age, and is not able to furnish a substitute or commute for such labor, as provided in the next succeeding section, it shall be the duty of the said commissioners to exempt such persons from the performance of said labor. It shall be the duty of the road commissioners to make out a list of such persons as are hereby required to work on the roads in the several districts, and proportion the labor to the several sections, as in their judgment may appear to be just and proper.

Ibid. s. 6.
Penalty.

58. Every person liable as aforesaid to labor on said roads, who shall fail to obey the summons of the contractor or supervisor, or furnish an acceptable substitute, shall, upon demand by said contractor or supervisor, pay the sum of one dollar and fifty cents for having failed to perform such labor, and the said contractor or supervisor shall collect and receipt to such persons for the same, and apply all sums so collected to the repairs of the road in his contract or section by hiring the labor for such purpose, and shall report under oath to the road commissioners.

Ibid. s. 7.
Levy.

59. The county commissioners shall annually levy the amount of money necessary for the repairs of roads as a separate and distinct tax, which shall not exceed ten cents on the hundred dollars.

Ibid. s. 8.
Failing to obey,
&c.

Penalty.

60. Any person liable to labor, failing to obey the summons as aforesaid, or furnish an acceptable substitute, and failing or refusing on demand made as aforesaid to pay to the contractors or supervisor the sum of one dollar and fifty cents, shall be guilty of a misdemeanor, and shall, upon complaint made by such contractor or supervisor, be liable to be arrested and brought before some justice of the peace of said county, upon a warrant to be issued by said justice, in the

name of the state, and shall upon proof of such summons, and of failure to obey the same, and of a refusal to pay the said sum of one dollar and fifty cents, and of failure to furnish an acceptable substitute, be held to bail by said justice for his appearance before the circuit court of said county, at the next term thereafter, and upon presentment, indictment and conviction in the circuit court for the said county, shall be fined a Fine. sum not exceeding twenty dollars and all costs of the prosecution, and in default of payment or of security for said fine and costs, shall be committed to the county jail until he shall pay or give security for such fines and costs; *provided*, that after such party shall have Proviso. remained in jail for the space of ten days, he may be discharged from custody by the order of the said court, and all fines collected under the provisions of this act shall be paid to the commissioners of said county, to be by them applied for the purpose of repairing the public roads in said county; and the judges of the Judge's duty. circuit court for the county to which this act applies shall give the same in charge to the grand juries of the said county.

61. The county commissioners shall pay to the road Ibid. s. 9. Payment to contractors. contractors, lessees or supervisors, the full amount due them, as soon as the road commissioners shall report that the work for the season has been performed according to the terms of their contract and specifications; *provided*, that the said board are satisfied the section or Proviso. sections of said road has been kept in good order and condition up to that period.

62. The county commissioners shall allow such Ibid. s. 10. Compensation to road commissioners. compensation to each member of the board appointed under the first section of this act, as they may deem just and proper, and have power to fill any vacancy that may occur in said board of road commissioners by death, resignation, removal from the county or any other cause.

In force and approved March 30, 1868.

ARTICLE XVI.

Prince George's County.

BLADENSBURG.

23. Election of commissioners: powers and duties: proviso.
49. Swine: proviso.

COLLECTORS.

44. Collection districts: collectors: their bonds: commissions.
45. Payment of amounts collected to county treasurer: returns: suit on bonds: judgment.
46. Annual levy.
47. County treasurer.

48. His oath and bond.
49. His office and compensation.
50. Proceeds of county taxes: accounts.
51. Vacancy.
52. Books to be delivered to successor.
53. County publishing and printing.

ELECTIONS.

57. Election district, No. 10: bounds.
58. Polls: judges of election.
59. List of voters.
60. Justices and constables.
61. Per diem of judges and clerk.

BLADENSBURG.

1868, c. 354 repeals and re-enacts section 28 of this article so as to read as follows:

1868, c. 354.
Election of
commission-
ers.

Powers and
duties.

Proviso.

SEC. 38. All white male citizens of said village, above twenty-one years of age, who shall have resided in said village four months, and twelve months in this state, next preceding the election, shall on the first Monday in June annually, at the town hall in said village, elect five persons, who shall have resided in said village twelve months next preceding the election, Commissioners of Bladensburg, who shall have full power and authority to levy and collect taxes in said village, not exceeding in any one year fifteen cents on the hundred dollars, on the assessable property of said village for the purpose of improving the streets and public property of said village; the amount so to be raised shall be expended under the direct supervision of the said commissioners, and for the purpose of making such levy, they shall once in two years, or oftener if they think proper, appoint an assessor, who shall, under oath, value, appraise and assess the property in said village; *provided*, that if any of the owners of property assessed within said village shall conceive himself or herself aggrieved by the assessment so

as aforesaid made by said assessors, they may appeal to the said commissioners, who shall have power and authority to make such deduction for the valuation of his or her property as to them shall seem just.

In force and approved March 30, 1868.

1868, c. 462 adds the section following:

40. From and after the date of the passage of this act it shall not be lawful for swine to go at large in the village of Bladensburg, and the bailiff of said village may take up and impound any swine which may be found going at large in said village, and on his failure or neglect to take up and impound swine so found going at large, it shall and may be lawful for any citizen of said village to do so, and any person so taking up and impounding shall give four days' notice thereof by advertisement set up at four of the most public places in the village describing the swine impounded, and that the same will be sold at public auction at some public place in said village, one-half of the purchase money to go to the person impounding such swine, and the other half to the owner, and if no owner shall claim the said swine on the day of sale, said half shall go to the commissioners of the village for the use of said village; *provided*, that if the owner of any swine impounded under this section shall prove to the satisfaction of any justice of the peace residing in said village, that the said swine did not go at large from negligence or want of care on his part, and that due diligence was used to prevent it, the owner shall have return of the property on paying all expenses of keeping and proving the same, and fifty cents for taking up each one of such swine.

1868, c. 462.
Swine.

Proviso.

In force and approved March 30, 1868.

CIRCUIT COURT.

See under Public Local Laws, Art. V, Calvert county, the act of 1868, c. 439, regulating the time of holding their respective circuit courts for the counties composing the seventh judicial circuit of Maryland and repealing the Local Laws of said counties in reference thereto.

COLLECTORS.

1868, c. 330 repeals and re-enacts sections 44, 45 and 46 of this article and sections 47, 48 and 49 additional sections to said article enacted by 1864, c. 326, [Sup. 599.] as follows:—

1868, c. 330.
Collection districts.

Collectors.

Their bonds.

Commissioners.

Payment of
amounts col-
lected to
county trea-
surer.

44. The county commissioners of Prince George's county shall divide said county into four collection districts, and shall appoint four collectors, one for each of said districts, upon the first Tuesday of April of each and every year, for the collection of state and county taxes, who shall hold office for one year, and may be re-appointed, and shall give bond to the state of Maryland in double the sum of state taxes placed in their hands respectively for collection, and also a bond to the state of Maryland for the use of the county commissioners in double the sum of county taxes placed in their hands respectively for collection, said bonds to be approved by said county commissioners, and to be given within twenty days from the date of appointment, and upon failure to do so, the county commissioners shall appoint a successor; and said collectors shall be allowed a commission of six per cent. upon all sums collected and paid over by them; and it shall be the duty of the county commissioners to levy for the said commissions in the general levy of state and county taxes.

45. It shall be the duty of the said collectors to pay over, under oath, to the county treasurer of Prince George's county, on the first Tuesday in June next after said taxes are placed in their hands, and on the first Tuesday in each and every month thereafter, the amount collected by them, until the collections are completed, and on the failure to make such monthly

payments, the delinquent collector may be removed by the county commissioners; and at the end of six months from the time when said taxes were placed in their hands for collection, the said collectors, and each of them, shall make to the county treasurer a full and complete return, under oath, of the whole amount Returns. of taxes collected by them during the year, and also an alphabetical list of all delinquent taxpayers and the sum due by each of them, which said list the county commissioners are authorized to publish in a newspaper published in the county; and on failure to complete within twelve months from the day and date of receiving said taxes the collection and return of the whole amount thereof to the county treasurer, (except such sums as the county commissioners, upon examination of the returns of said collectors, may determine to be and to have been uncollectable,) their bonds shall be liable for the same, and the county commissioners shall cause suit to be brought on the bond given for Suit on bonds. the collection of county taxes to the next term of the county court thereafter, and the said court is hereby authorized, upon motion of the attorney of said commissioners, after notice to said collectors and their sureties, to take judgment for such amount as may Judgment. be found due by them for the non-payment of said taxes.

46. The county commissioners for Prince George's Annual levy. county shall, from and after the year eighteen hundred and sixty-eight, lay their annual levy for state and county taxes on or before the last Monday in March in each and every year, and each collector shall be furnished by the clerk of said commissioners with a list of the assessments in his hands for collection on or before the fifteenth day of April thereafter.

47. The county commissioners of Prince George's County treasurer. county shall, on the second Tuesday in May next, and on the same day every two years thereafter, appoint a county treasurer, who shall hold his office for five years, or until his successor is appointed and qualified, and be re-eligible thereto, subject at all times to

removal by the said county commissioners for any neglect of duty or misbehavior in office.

Treasurer's
oath.

48. The person so appointed county treasurer shall, before he enters on the duties of his office, take an oath in due form of law, faithfully to perform the duties of his office; he shall execute and deliver to the county commissioners a good and sufficient bond, to be approved by them, in the sum of thirty thousand dollars for the faithful performance of his duty as treasurer; and in case of his default to execute said bond within ten days from the date of his appointment, the county commissioners shall appoint another in his stead; and the county commissioners may at any time demand of the county treasurer such further bond, with such further security, as in their judgment the interests of the county may require.

Office of treasurer.

49. The said treasurer shall keep in the court house building in Upper Marlborough his office open from nine o'clock in the forenoon until three o'clock in the afternoon three days in every week, said days to be designated by the county commissioners; he shall be entitled to a compensation of one thousand dollars per annum.

Compensation.

Proceeds of
county taxes.

50. He shall receive and keep and pay over according to the directions of law, or the order of the county commissioners, the proceeds of all county taxes levied in said county, and shall keep full, particular, and correct account of all moneys by him received and paid, and of all matters relating to the duties of his office, together with all vouchers relating thereto. He shall, whenever the county commissioners may require him so to do, present to them for their inspection, an exact account of all his receipts and expenditures, and a true and faithful exhibit of all moneys that have come into his hands, and of all moneys that have been paid out by him.

Accounts.

Vacancy.

51. In case of the death or resignation of said treasurer at any time during the term for which he was appointed, the county commissioners shall, within twenty days thereafter, appoint some person to fill said

vacancy, who shall take the oath, give the bond, and perform all the duties of the office as hereinbefore prescribed.

52. The treasurer shall, at the expiration of his term of office, transfer and deliver to his successor in office all money, books, accounts and papers of every kind connected with his office. Books to be delivered to successor.

53. The county commissioners of Prince George's county, shall, in regard to all publishing and printing for said county exclusively, except in cases where the General Law of Maryland otherwise expressly provides, give public notice and invite bids for said printing to be made to them on some day of the levy-laying term in each year, and shall give the said printing or publishing to the lowest bidder for the ensuing year; and said publications shall not be made in more than one newspaper published in said county, and the said commissioners shall not allow the party or parties that shall have contracted for such printing or publishing any extra compensation or allowance whatsoever over above the amount contracted for any printing or publishing that the said party or parties may claim to have done. County publishing and printing.

Passed and approved March 30, 1868.

ELECTIONS.

1868, c. 262 repeals and re-enacts sections 57 and 58 entitled "Elections" and sections 59, 60 and 61 entitled "Hucksters" so as to read as follows:

57. Prince George's county is divided into ten election districts according to the present bounds and limits of the second, third, fourth, fifth, sixth, seventh, eighth and ninth, and a new election district is hereby laid off and taken from the first election district in said county to be called Laurel and denominated the tenth election district of Prince George's county, which election district shall be contained within the following lines namely, beginning at the bridge across the Patuxent river near the old iron works mill and running thence 1868, c. 262. Election district No. 10 or Laurel.

Bounds of Laurel district.

up the road to the late Doctor Theodore Jenkins, thence leaving said road and running with the road leading by James Coursey's and the Mine Banks now owned by Charles E. Coffin, and with said road to John D. Latchford's, so as to include said Latchford's residence in the district hereby created, crossing the turnpike and railroad west of the said Latchford's house in a straight line to the Furnace road near Thomas Mitchell's, and running with said furnace road to the new county road leading to Contee's station, and thence with said road to the Montgomery county line, thence with the Prince George's county line to the beginning.

Polls.

58. The polls for the district hereby created and designated and bounded as aforesaid shall be opened and held at the Laurel or at such other place within the limits of said district as the county commissioners of Prince George's county may hereafter designate; and it shall be the duty of the county commissioners of said county to appoint judges of election for said district, and to do whatever else within the scope of their power may be necessary to effect the object of this act.

Judges of election.

List of voters.

59. The registration officer of the first and the tenth election districts of said county shall meet at Beltsville as soon as practicable, after their respective appointments, and from the list of registered voters of the first election district, make out and prepare a new list of voters for the said first and tenth district respectively, which said list when so corrected and made out shall be returned to the office of the clerk of the circuit court.

Justices of peace.

60. The governor shall appoint justices of the peace for said new election district according to the existing law for the other election districts of said county, and the county commissioners shall appoint constables as the said officers are now appointed for the other election districts of the said county.

Per diem of judges and clerks.

61. The judges and clerks of election in said county shall receive three dollars per day as heretofore for each day they may act in the discharge of their official duties.

In force and approved March 30, 1868.

LINE DIVIDING PRINCE GEORGE'S COUNTY FROM MONTGOMERY COUNTY.

See under Public Local Laws, Art. XV, Montgomery County, the act of 1868, c. 466 relating to the boundary between above counties.

PATUXENT RIVER.

See under Public Local Laws, Art. II, Anne Arundel County, the act of 1868, c. 202 protecting the navigation of above river.

RAIL ROADS.

See under Public Local Laws, Art. IX, Charles County, the act of 1868, c. 310 entitled an act to appoint commissioners to have a survey made and estimate of cost of constructing a rail road from some point in Prince George's County to Point Lookout. By the act of 1868, c. 150 a corporation is created and chartered by the name of the Southern Maryland Rail Road Company, for the purpose of constructing, maintaining and working a rail road from some point in Prince George's county to Point Lookout.

ARTICLE XVII.

Queen Anne's County.

CENTREVILLE.

- 37. Powers and duties of commissioners.
- 38. Nuisances, &c.: by-laws, &c.
- 39. Dogs: penalty.
- 46. Ordinances: fines, penalties and forfeitures: limits of town: new streets.
- 47. Justices, conservators of the peace: their powers and duties: bailiff.

- 48. Assessment: levy.
- 54. Powers and duties of bailiff.

HORSE RACING ON PUBLIC ROADS.

- 80. Racing prohibited.
- 81. Penalty.

JUSTICES OF THE PEACE AND CONSTABLES.

- 92. Number of.

CENTREVILLE.

1868, c. 53 repeals sections 37, 38, 39, 46, 47, 48 and 54 of this article and enacts the following sections therefor:

SEC. 37. The said commissioners shall cause all nuisances and obstructions that may interrupt the passage or injure the health of the inhabitants of the town to be removed from the streets, lanes and alleys, and may

1868, c. 53.
Powers and
duties of com-
missioners.

provide for the mending, improving and cleansing the same, and shall have power to prohibit and punish by ordinance the placing any dirt, filth or other matter therein, and may also erect lamps in any of the streets, lanes and alleys of said town, and cause the same to be lighted at the public expense, and may pass all laws and ordinances for the preservation of the health of said town, and to prevent the introduction of contagious diseases within said town or within three miles thereof.

Nuisances, &c.

38. The said commissioners shall have full power to cause any nuisance to be abated, upon complaint or view, if they shall be satisfied it is detrimental to the health of the inhabitants of said town or injurious to the trade of said town, and for this purpose are empowered and directed to enter upon any private grounds or premises within the corporate limits of said town; and the said commissioners shall see that the town is kept in a cleanly and sanitary condition, and to this end are empowered and directed once in a month, and oftener if they shall deem it necessary, beginning with the month of April and ending with the month of November, in each and every year, to enter upon and examine into the condition of all the private grounds and premises within the corporate limits of said town, and if in their judgment any such grounds and premises are not in a cleanly and sanitary condition, they shall forthwith cause a written notification to be served by the bailiff upon the person or persons occupying or having charge of said grounds and premises, to put the same in a cleanly and sanitary condition; and if said person or persons shall fail or refuse for ten days after the service of such notification to obey the same, the said commissioners shall impose a fine upon such person or persons so offending of not less than one dollar and not more than five dollars, in their discretion; and in like manner an additional fine for every successive ten days' failure or refusal to obey said notification, until said grounds and premises are put in a cleanly and sanitary condition, unless said person or persons occupying or having charge of said grounds or premises

Fine.

shall, in the judgment of said commissioner, be unable, from the want of adequate means, to obey said notification, in which event the commissioners shall direct the bailiff of said town to put the same in a cleanly and sanitary condition at the expense of the town; and the said commissioners may pass all laws and ordinances By-laws, &c. necessary for grading, regulating, paving and repairing the footways in the streets, lanes, and alleys of said town, and impose a tax upon any lot or lots fronting on any paved street, lane or alley for the purpose of grading, regulating, paving or repairing the footways in front thereof, or compel, by fine or otherwise, the owner or proprietor of any lot or lots to pave or repair the footways in front thereof, agreeably to the ordinances to be passed by them; and the said commissioners may prohibit the running or riding of any horses, or driving of carts, wagons, or carriages unreasonably fast in said town, may regulate and provide for the sweeping of chimneys, prohibit the firing of guns or pistols, the throwing of lighted squibs, fire-crackers, roman candles or any other combustible matter, and the storage of gunpowder or any combustible matter within the limits of said town, and make all necessary regulations relative to wells and pumps therein.

39. No person shall keep a dog or bitch in said Dogs. town without first obtaining a license from the clerk of the commissioners for that purpose in the month of April of each and every year, and paying at the time of the license being granted for every dog one dollar, and for every bitch two dollars; and the owner of every dog or bitch for which a license shall be obtained shall have a collar put around his or her neck, and every other dog or bitch found going at large at said town shall be shot or otherwise destroyed by the bailiff of said town; and if any person shall bring a dog or bitch into said town after the month of April in any year, he or she shall obtain a license within ten days thereafter, and pay for the same as hereinbefore directed, and place a collar around his or her neck, or otherwise said dog or bitch shall be shot or otherwise destroyed. Any person or persons failing or refusing

- to comply with the provisions of this law shall be liable to a fine of not less than one dollar for each dog and two dollars for each bitch brought or kept by him or her in said town in addition to the penalty of having the same shot or otherwise destroyed if found going at large without a collar about his or her neck.
- Penalty.**
- Ordinances.** 46. Said commissioners may pass all laws and ordinances necessary to give effect and operation to the powers vested in them, and may impose such fines, penalties and forfeitures for breach of their laws and ordinances as they may think proper, not exceeding five dollars for any one offense; and said commissioners shall forthwith locate and define the limits of said town, and cause surveys and plots thereof to be made, and have the same filed and recorded in the office of the clerk of the circuit court for Queen Anne's county for reference and safe keeping, and said commissioners shall have power to open and establish new streets, lanes and alleys in said town, with the consent of two-thirds of the owners of property fronting on same.
- Fines, penalties and forfeitures.**
- Limits of town.**
- New streets.**
- Justices, conservators of peace.** 47. The justices of the peace of Queen Anne's county resident in said town are hereby declared to be conservators of the peace of said town, and it shall be their duty to order the arrest of any person or persons found breaking the peace or disturbing the quiet and order of said town, or violating any of the ordinances made by the commissioners for securing the safety of the property or lives of the inhabitants of said town, and shall have power to require any person or persons so offending to give security to keep the peace, or in default thereof, may commit such person or persons to the county jail for not more than forty-eight hours, and in addition thereto, may impose a fine upon such person or persons of not more than five dollars, to be collected by execution as officers fees now are, and such fines to go to the benefit of the town; all fines, penalties, and forfeitures which may be incurred under the provisions of this act, and the supplements and amendments thereto relating to the town of Centreville, and not otherwise provided for, shall be recovered before a justice of
- Their powers and duties.**

the peace for Queen Anne's county, resident in said town, in the name of the said commissioners, as small debts, and applied to the benefit of said town; and in all such proceedings the bailiff shall have the same ^{Bailiff.} power, proceed in the same manner, and have the same fees as constables in cases of small debts, and for police duties shall be entitled to the same fees as constables in like cases, and all process shall be returnable before some justice of the peace for Queen Anne's county resident in said town.

48. The commissioners of the town of Centreville ^{Assessment.} may cause an assessment and valuation of all the real and personal property in said town, bank stock, bonds, notes and other evidences of debt excepted, to be made between the first day of April and the first day of May next, and may levy on the property so assessed such ^{Levy,} sums of money as they deem necessary for the improvement of said town, but said levy, after the first day of April, eighteen hundred and sixty-eight, shall not exceed three hundred and fifty dollars.

54. The bailiff shall attend the meetings of the said ^{Duties and powers of bailiff.} commissioners and shall perform such services as said commissioners shall direct. He shall arrest and carry before some justice of the peace for Queen Anne's county resident in said town, to be dealt with as hereinbefore provided, any person or persons found breaking the peace or disturbing the quiet and order of said town, or violating any of the ordinances made for securing the safety of the property or the lives of the inhabitants of said town; he shall have power to summon any of the inhabitants of said town to assist him in the discharge of his duties when necessary.

In force and approved February 18, 1868.

COURT HOUSE.

By the act of 1868, c. 206 the county commissioners of this county are authorized and empowered to levy a sum of money or issue bonds for repairing and altering the court house in said county.

HORSE RACING ON PUBLIC ROADS.

1868, c. 226 recites that whereas the practice of horse racing on the public roads in Queen Anne's county prevails to a great extent, to the obstruction of her highways and to the prejudice of the rights of the traveling public, therefore it enacts as follows:

1868, c. 226, s. 1.
Racing prohibited.

80. No person shall run any horse, mare, or gelding, on any of the public roads of Queen Anne's county, for the purpose of racing.

Ibid. s. 2.
Penalty.

81. Any person violating the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and be liable to presentment by the grand jury of the county, and on conviction thereof, shall be fined not less than ten nor more than fifty dollars, in the discretion of the county circuit court, the same to be collected and paid over to the county commissioners, to be by them applied to the repair of the public roads in said county.

In force and approved March 28, 1868.

JUSTICES OF THE PEACE AND CONSTABLES.

1868, c. 10 repeals and re-enacts section 92 of this article and 1867, c. 421: [Sup. 604.]

1868, c. 10.
Number of justices and constables.

92. There shall be the following number of justices of the peace and constables for said county, to wit: for election district number one, three justices of the peace and three constables; for election district number two, three justices of the peace and three constables; for election district number three, three justices of the peace and three constables; for election district number four, two justices of the peace and one constable; for election district number five, two justices of the peace and one constable.

In force and approved February 6, 1868.

RAIL ROADS.

See under Public Local Laws, Art. VI. Caroline county, the act of 1868, c. 298 authorizing the construction of a branch road from some point in Caroline county, through the counties of Queen Anne, Kent and Cecil, to Elkton. See also, Rail Roads, under Public Local Laws, Art. XIV, Kent County.

ARTICLE XVIII.

St. Mary's County.

ELECTIONS.

36. Blackiston's island in third district.

60. Allowance.

61. Oath.

SHERIFF.

WOOD CORDER FOR LEONARDTOWN.

59. Corder of firewood.

118. Keeping prisoners.

CIRCUIT COURT.

See under Public Local Laws, Art. V, Calvert County, the act of 1868, c. 439, regulating the time of holding the respective circuit courts composing the seventh judicial circuit of Maryland and repealing the Local Laws for said counties in reference thereto.

ELECTIONS.

1868, c. 274 enacts the following:

SEC. 36. Blackiston's island, in St. Mary's county, ^{1868, c. 274.} is included in the third election district of said county. _{Blackiston's island in third election distr. ct.}

Passed and approved March 30, 1868.

INTERNAL IMPROVEMENTS.

See under Public Local Laws, Art. V, Calvert county, the act of 1868, c. 454, entitled an act to aid in the construction of works of internal improvement in St. Mary's, Charles and Calvert counties.

LEONARDTOWN—WOOD CORDER OF.

1868, c. 278 enacts the following:

59. The governor of Maryland, by and with the ^{1868, c. 278, s. 1.} advice and consent of the senate, shall biennially _{Corder of fire-wood.} appoint a corder of fire-wood for Leonardtown who shall reside in said town, whose duty it shall be, when called upon by any seller or purchaser of fire-wood, to an amount greater than five cord of fire-wood, to measure the same.

Ibid. s. 2.
Allowance.

60. Said wood corder for each cord of fire-wood he may measure under the provisions of this act shall be allowed five cents, to be paid in all cases by the purchaser, and on his neglect or refusal to pay the same the wood corder may collect it as other debts.

Ibid. s. 3.
Oath.

61. Said wood corder, before entering upon his duties as provided for in the provision of this act, shall be sworn in due form of law before some justice of the peace of St. Mary's county to the faithful and impartial performance of his duties.

In force and approved March 30, 1868.

ROADS.

See under Public Local Laws, Art. IX, Charles County, the act of 1868, c. 452, relating to roads. The fourth section of this article provides that it shall also apply to St. Mary's county in its provision; *provided* the sense of the people of said county be taken on the question of its adoption at an election to be held in said county on the same day, and in the same mode in every respect as provided in the preceding section for Charles county, and if it shall appear to the county commissioners of St. Mary's county, upon the returns thereof being made to them in like manner, that more ballots have been cast for, than against the adoption of said act, they shall in like manner issue proclamation declaring the same and proceed to carry said act into effect.

RAIL ROADS.

See, under Public Local Laws, Art. IX, Charles County, the act of 1868, c. 310, to appoint commissioners from St. Mary's, Charles and Prince George's counties, to have a survey and estimate made for constructing and equipping a rail road from some point in Prince George's county to Point Lookout.

SHERIFF.

1868, c. 309 repeals section 118 and enacts the following:

1868, c. 309.
Keeping prisoners.

118. The sheriff of St. Mary's county shall be entitled to receive sixty cents per day for keeping prisoners and furnishing them with food.

In force and approved March 30, 1868.

ARTICLE XIX.

Somerset County.

ALMSHOUSE.

9. Appointment of overseer, physician, &c.

CIRCUIT COURT.

36. Terms.

COUNTY COMMISSIONERS.

39. Three commissioners: powers, &c.

ELECTIONS.

46. Election districts: where elections to be held.

47. Boundaries of Tangin district and Dames' Quarter district.

JURORS.

64. Pay, &c., to jurymen.

JUSTICES OF THE PEACE AND CONSTABLES.

65. Number of justices and constables.

PRINCESS ANNE.

103. Election of Commissioners.

ROADS.

165. Supervisors.

ALMSHOUSE.

1868, c. 376 repeals and re-enacts section 9 to read as follows:

SEC. 9. They shall, at their annual meeting in May, appoint an overseer of said almshouse, and at their annual meeting in November, or at such time as they may deem proper, appoint a physician and such agents and laborers as they may think necessary, and the overseer so as aforesaid elected, shall enter upon the discharge of his duties on the first day of January next ensuing.

1868, c. 376.
Appointment of
overseer, phy-
sician, &c.

In force and approved March 30, 1868.

CIRCUIT COURT.

1868, c. 242 repeals and re-enacts section 36 to read as follows:

36. There shall be four terms of the circuit court for Somerset county in each year commencing at Princess Anne on the second Monday of the months of January, April, July and October.

1868, c. 242.
Terms.

In force and approved March 28, 1868.

COUNTY COMMISSIONERS.

1868, c. 77 entitled an act to repeal the act of 1867, c. 235 [Sup. 612] entitled an act to repeal section thirty-nine of Art. XIX of the Code of Public Local Laws, relating to the county commissioners for Somerset county, and to re-enact the said section thirty-nine of Art. XIX of the Code of Public Local Laws, relating to the county commissioners for Somerset county, enacts as follows :

1868, c. 77.
Three commis-
sioners.

Powers, &c.

39. There shall be three county commissioners for Somerset county, whose powers, duties and compensation shall be as now is or may hereafter be prescribed by law.

This act further enacts that the five county commissioners now in office in said county shall serve out the full term for which they were elected, and receive such compensation as is now prescribed by law.

In force and approved February 26, 1868.

ELECTIONS.

1868, c. 82 repeals sections 46 and 47 and enacts the following in lieu thereof:

1868, c. 82.
Election dis-
tricts.

Where elec-
tions held.

Effect of re-
numbering.

46. Somerset county is divided into nine election districts according to their present bounds and limits, except Princess Anne district, which shall hereafter, in addition to its former limits, include all that portion of the Trappe district remaining in Somerset county since the formation of Wicomico county, and the said districts are hereby numbered as follows: Princess Anne district, number one; Dames' Quarter district, number two; Brinkley's district, number three; Dublin district, number four; Hungary Neck district, number five; Potato Neck district, number six; Smith's Island district number seven; Lawson's district, number eight; Tangin district, number nine. And all elections for public officers shall be held in each of said districts at the places therein now established by law for that purpose. This re-numbering of the said districts shall not invalidate the appointment of constables or road supervisors heretofore appointed for said districts by their former numbers, but the same shall be as valid and

effectual for said districts by their new numbers as before the passage of this act.

47. The following shall be the boundaries of Tangin district, or election district number nine, and Dames' Quarter district, or election district number two: beginning at the northeast side of the mouth of the creek known as Rock creek, and thence running southward until it intersects in a straight line another creek called Fishing creek all that portion lying west of said line, and included in what was formerly called Dames' Quarter district, to constitute Tangin district, or election district number nine, and all lying east of said line to constitute Dames' Quarter district number two.

Boundaries of
Tangin district
and
Dames' Quarter
district.

In force and approved March 3, 1868.

EXECUTION.

1868, c. 45 enacts the following: The clerks of the circuit courts for Somerset and Worcester counties, may issue execution by way of attachments or *feri facias* on all judgments in their respective county, not over three years' standing, against persons residing within the limits of Wicomico county, to be directed to the sheriff of Wicomico county, and to be made returnable to the circuit court of Wicomico county, without any previous return of *quid bona*, by the sheriff of Somerset or Worcester county, to an execution to be issued to them, and without any affidavit of the creditor, as provided by law in ordinary cases.

1868, c. 46 enacts that in all cases wherein executions by way of attachments, or *feri facias* have issued to the sheriffs of Somerset or Worcester county or to any constables prior to the formation of Wicomico county, which execution was laid or levied before Wicomico county was formed, and the said sheriffs or constables, after the formation of said Wicomico county, made sale in pursuance thereof, such sale so made or which may hereafter be made in pursuance of such execution and levy, is hereby fully confirmed and made as valid, as if such sale were made within said sheriffs or constables bailiwick; provided such sale is otherwise legal and regular.

FENCES.

1868, c. 8 repeals section 53, 54, 55, 56 and 57 of this article, relating to Fences. In force and approved January 22, 1868.

FERRY OVER POCOMOKE RIVER.

By the act of 1868, c. 422 Thomas Merrill and Thomas Boston, of Worcester county, James F. Adams and Thomas W. Sterling, of Somerset county, are constituted commissioners to examine and locate a suitable place to construct a public ferry across the Pocomoke river, at Rehoboth on said river, and also to lay out, open and construct a public road leading from Rehoboth to intersect with the public road running from Newtown to Pitt's wharf in Worcester county.

That the said commissioners, or a majority of them, shall have full power and authority to contract for the construction of said road and ferry, with suitable boat, wharves and all the necessary appurtenances, and to assess all damages for lands; provided, however, that the sum total for the construction of said road and ferry, and award for damages, and all other expenses connected shall not exceed the sum of eight hundred dollars.

That it shall be the duty of said commissioners, or a majority of them, before they shall enter into any contract for the aforesaid road and ferry, to give at least fifteen days' notice that such contract will be let out, by advertising the same in one newspaper in each of the counties aforesaid once in each week for two successive weeks, and at four public places in each county, and it shall also be the duty of said commissioners, or a majority of them, to award the contract to the lowest responsible bidder, the contractor giving bond, with security, approved by said commissioners, for the faithful performance of the said contract.

That the said commissioners shall be allowed the sum of two dollars per day for each day they serve in the capacity of commissioners as aforesaid, (provided the time does not exceed ten days,) to be paid by the two counties jointly as other county charges are paid.

That the county commissioners of the counties aforesaid, upon a report being made to them by the commissioners appointed by the first section of this act, or a majority of them, that the aforesaid roads, wharves and ferry have been completed according to contract, that said county commissioners of Somerset and Worcester counties are hereby authorized, if in their judgment they shall deem it expedient, to levy, in equal proportion, on the assessable property of said counties, a sum sufficient to pay the contract as above specified; provided further, that the said county commissioners shall make provision annually for the keeping of the aforesaid roads and ferry for public use and benefit.

That the commissioners named in the second section of this act shall establish such rates of toll to be charged non-residents of the counties aforesaid as they may deem expedient, not to exceed that charged by the Pocomoke Bridge Company.

JUDGMENTS.

See, under Public Local Laws, Art. XXII, Wicomico County, the act of 1868, c. 16, making judgments in the circuit courts for Somerset and Worcester counties, liens in Wicomico county.

JURORS.

1868, c. 212 adds the following under above title :

64. The collector of taxes for said county shall pay ^{1868, c. 212.} each juryman immediately after the termination of each ^{Pay, &c., to} juryman. term such sum of money as he may be entitled to receive for his attendance and a certificate, signed by the clerk of the circuit court, stating the number of days he may have attended, and the sum and mileage due him, shall be sufficient authority to the collector to pay the amount specified in said certificate.

In force and approved March 28, 1868.

JUSTICES OF THE PEACE AND CONSTABLES.

1868, c. 86 amends and re-enacts section 65 so as to read as follows : [Sup. 612.]

65. There shall be the following number of justices ^{1868, c. 86.} of the peace and constables in Somerset county, to-wit: ^{Number of jus-} for election district number one, four justices of the ^{trices and con-} peace and three constables; for election district number two, two justices of the peace and one constable; for election district number three, four justices of the peace and four constables; for election district number four, two justices of the peace and one constable; for election district number five, one justice of the peace and one constable; for election district number six, two justices of the peace and one constable; for election district number seven, two justices of the peace and one constable; for election district number eight, three justices of the peace and three constables; for election district number nine, one justice of the peace and one constable.

In force and approved March 3, 1868.

1868, c. 25 recites that whereas John Miller who was appointed one of the justices of the peace of the state of Maryland in and for Somerset county, by the governor, received his commission, and was sworn in on the first day of May, 1867, and between that day and the first Monday in May, 1867, performed official acts; and whereas, it has been since discovered that his term of office did not commence until the said first Monday in May, 1867, and doubts exists as to the legality of his official acts as aforesaid performed; now, therefore, it enacts that all the official acts of the said John Miller as a justice of the peace, performed between the first day of May, 1867, and the first Monday in May, 1867, be and they are hereby made valid and legal in all respects, as if said acts had been performed after the said first Monday in May, 1867.

ORPHANS' COURT.

See, under Public Local Laws, Art. XXII, Wicomico County, the act of 1868, c. 253, providing for the removal of cases of guardianship and wardship from the orphans' courts of the counties of Somerset and Worcester to the orphans' court of Wicomico county, and providing for the sale of real estate by executors and administrators resident in Wicomico county where such administration was begun in either of the counties of Somerset or Worcester.

PRINCESS ANNE.

1868, c. 318 repeals 1867, c. 183, [Sup. 616.] section 103 and re-enacts the same to read as follows:

1868, c. 318.
Election of
commission-
ers.

103. The white male citizens of said town who have resided therein six months preceding any election, and all white male citizens residing in Somerset county, and owning real estate within the limits of said town, shall, on the third Monday in June in each year, elect three persons to be commissioners of the town as aforesaid; white male citizens who have resided in the state one year and six months within said town limits to be eligible only as commissioners of said town.

In force and approved March 30, 1868.

RETAILERS.

1868, c. 148 repeals the act of 1865, c. 60 [Sup. 619] and revives and re-enacts sections 139 to 148 inclusive of the Code of Public Local Laws for Somerset county, relating to retailers of liquors as fully as if the act of 1865, c. 60 had not been passed.

ROADS.

1868, c. 402 adds the following section to read as follows:

165. The county commissioners shall, at their annual meeting in April, appoint such number of supervisors of roads as is now or may hereafter be required by law, who shall hold their offices for two years from the date of their appointment, and shall be subject to removal by said commissioners at any time for incapacity or neglect of duty. ^{1868, c. 402. Supervisors.}

In force and approved March 30, 1868.

See, under Public General Laws, Art. XXVIII, County Commissioners, the act of 1868, c. 299 relating to Roads,

ARTICLE XX.

Talbot County.

ALMSHOUSE.

4. Trustees: vacancy.
5. Oath of trustees.
6. Office.
7. Overseer.

EASTON.

32. Number and election of commissioners.

33. Voters.

37. Meetings of commissioners.
81. Fines, penalties and forfeitures.

HARBORS AND HARBOR MASTER.

91. Harbor master.

ALMSHOUSE.

1868, c. 99 repeals sections 4, 5, 6, 7 and 8 of this article and enacts the following in lieu thereof:

SEC. 4. The trustees of the poor of Talbot county shall consist of five persons, to be appointed by the county commissioners of said county on the first Tuesday in April, eighteen hundred and sixty-eight, or at their first meeting thereafter, and at the same date or at the first meeting thereafter in each and every second year; and as often as any of them shall die, resign or ^{1868, c. 99. Trustees.} Vacancy.

remove from the county and become incapable of acting, the county commissioners for said county, at their first meeting thereafter, shall appoint a suitable person in the place of said trustee.

Oath of trustees.

5. The person so appointed, before acting as trustee, shall, before the clerk of the circuit court for Talbot county, take and subscribe the following oath: I..... do swear that I will duly and faithfully discharge the duties and trusts committed to me as trustee of the poor of Talbot county according to my best skill and judgment, so help me God.

Office.

6. Said trustees shall hold their office until their successors are appointed and qualified.

Overseer.

7. The said trustees or a majority of them shall meet at the almshouse in said county between the first and tenth of May in each year, and appoint a fit person to be overseer of said almshouse, and such other proper officers as they may think necessary.

This act further enacts that this act shall take effect from the date of its passage, and the trustees appointed under it shall at once supercede the existing trustees of the poor of Talbot county.

Passed and approved March 3, 1868.

CIRCUIT COURT.

1868, c. 101 recites that whereas the general index to land record books in the circuit court for Talbot county from eighteen hundred and thirty-three to eighteen hundred and sixty-eight has, in consequence of imperfect binding and long-continued use, become so dilapidated and worn that great inconvenience and injury is likely to result from it, therefore, it enacts that the clerk of the said court, by and with the consent of the county commissioners, be, and he is hereby authorized to copy said index in a good and substantial book.

That the commissioners of said county be, and they are hereby authorized and required to levy upon the assessable property of said county a sufficient sum to pay for the expenses in re-copying as aforesaid.

EASTON.

1868, c. 279 repeals sections 32, 33, 37 and 81 and re-enacts the same so as to read as follows:

1868, c. 279.
Number and
election of com-
missioners.

32. The number of said commissioners shall be three and shall be elected for a term of three years; the first election for commissioners under this act shall take

place on the first Monday of May, eighteen hundred and sixty-eight; immediately after they shall be assembled in consequence of the first election; they shall be divided by lot into three classes; the seat of the commissioner of the first class shall be vacated at the expiration of one year; the second class at the expiration of two years; and the third class at the expiration of three years from said first election so that thereafter one commissioner may be elected every year, and shall receive a *per diem* of not exceeding two dollars for every meeting they shall actually attend.

33. The free white male inhabitants of Easton, above ^{Voters.} the age of twenty-one years, who have resided in said town for one year next preceding the election, and all white male persons of the age aforesaid, not residents of said town, who have a freehold estate or leasehold property for a term exceeding twenty-one years within said town, shall on the first Monday of May in each year at the court house in said town, elect by ballot one (except at the election to be held in May, eighteen hundred and sixty-eight,) judicious and discreet person residing in said town, commissioner in the place of the one whose term of office has expired.

37. The said commissioners, or a majority of them, ^{Meetings of commissioners.} shall meet at the court house in said town or at such other public place therein, as shall be previously notified, on the first Monday in each and every month or at such other times as they may deem necessary.

81. All fines, penalties and forfeitures herein im- ^{Fines, penalties and forfeitures.} posed for the violation of the charter of the town of Easton or imposed by any ordinance of said town, may be recovered before any justice of the peace for Talbot county in the name of said commissioners as small debts are recovered.

This act further enacts, that the commissioners of Easton are hereby authorized and empowered to close the north end of Thorough Good alley in said town between the cemetery of the Methodist Episcopal Church, and a lot eastwardly of said cemetery, recently purchased of Thomas J. Clarke for the purpose of enlarging the present cemetery, and to authorize the trustees of said church to embrace that part of said alley in their cemetery.

In force and approved March 30, 1868.

HARBOR AND HARBOR MASTER.

1868, c. 260 enacts the following under the above title :

1868, c. 260.
Harbor master.

91. The commissioners of the town of St. Michael's, are authorized and empowered to appoint a suitable person to act as harbor master, and to designate his duties and provide for his compensation.

In force and approved March 30, 1868.

ROADS.

1868, c. 192 repeals 1867, c. 289 [Sup. 64] entitled an act to add a new article to the Code of Public General Laws to be entitled Public Roads in Caroline County and Talbot County and which relates to the repairs of the public roads in said counties and prescribes the duties of county commissioners, supervisors and others in relation thereto. See also under Public Local Laws, Art. VI, Caroline County, the act of 1868, c. 329, an act entitled an act to add a new article to the Code of Public Local Laws, to be entitled Public Roads in Caroline and Talbot Counties. See under Public General Laws, Art. XXVIII, County Commissioners, the act of 1863, c. 299 relating to roads.

ARTICLE XXI.**Washington County.****ALMSHOUSE.**

1. Trustees of the poor.
2. Certificate of appointment.
3. Trustees to accept: oath.
9. Overseer, &c.
11. Statement of accounts.
19. Overseer's salary.

CIRCUIT COURT.

54. Regular law terms: juries.
55. Regular chancery terms: equity process.

CLEARSPRING.

75. Powers of burgess.
76. Fines and forfeitures.

HAGERSTOWN.

144. Extending limits of town.
145. Plat of town.

PARTRIDGES.

228. When not lawful to shoot, &c.
229. Fine.

ALMSHOUSE.

1868, c. 31 repeals and re-enacts sections 1, 2, 3, 9, 11 and 19 of this article so as to read as follows:

1868, c. 31.
Trustees of the poor.

SEC. 1. The county commissioners of Washington county shall on or before the first Monday of March, in each and every year, appoint three discreet persons,

inhabitants of said county, to act as trustees of the poor in said county, from and after the reception of their commissions, and qualify as said trustees, and to act in such capacity until their successors shall be appointed.

2. The clerk of the county commissioners shall, ^{Certificate of appointment.} within five days after such appointment, make out and deliver to each of said trustees, so appointed, a certificate of his appointment.

3. The trustees, so appointed, and notified of their ^{Trustees to accept.} appointment, under the penalty of twenty-five dollars, shall accept said office, and shall meet within ten days after their said appointment, at the almshouse of said county, and qualify by taking the following oath: I ^{Oath.} do solemnly swear or affirm that I will well and faithfully execute and perform the trust and duties reposed in me as trustee of the poor for Washington county, without favor, partiality or affection, according to the best of my skill and knowledge, which oath may be administered by any justice of the peace for said county.

9. They, or a majority of them, shall, at their first ^{Overseer, &c.} meeting, annually, at the almshouse in said county, appoint a fit person to be overseer of the almshouse in said county, and such other proper officers and servants as to them may appear necessary for conducting the business of said almshouse. The overseer so appointed, and all other appointees, to enter upon the discharge of their duties on the first day of April in each and every year hereafter.

11. They shall, under the penalty of fifty dollars, ^{Statement of accounts.} make out and render to the county commissioners at their first meeting in every year, a statement of their accounts and expenditures, with the necessary vouchers, for the preceding year, which accounts shall be settled and passed by the commissioners.

19. They shall allow said overseer a sum not exceeding the sum of three hundred dollars *per annum*, and so *pro rata* during his continuance in office. ^{Salary of overseer.}

In force and approved February 18, 1868.

CIRCUIT COURT.

1868, c. 5 repeals and re-enacts sections 54, 55, 56 and 57, [Sup. 629,] so as to read as follows :

1868, c. 5.
Regular law
terms.

54. There shall be three regular common law terms of the circuit court for Washington county, held at Hagerstown. The first of said terms to commence on the first Monday of March, the second on the fourth Monday of July, and the third on the second Monday of November in each year, to each of which aforesaid terms juries shall be summoned and returned in the mode and manner prescribed by the Public General Laws of the state.

Juries.

Regular
chancery
terms.

55. There shall be annually six regular equity or chancery terms of said circuit court, the first of which shall commence on the first Monday of February, the second on the first Monday of March, (that being also the commencement of the common law March term of said court,) the third on the first Monday of June, the fourth on the fourth Monday of July, (that also being the commencement of the common law July term of said court,) the fifth on the first Monday of October, and the sixth on the second Monday of November, (that being also the commencement of the common law November term of said court,) and to which said equity

Equity process. or chancery terms of said court, all equity process shall be made returnable respectively, and the said circuit court, as a court of equity, shall be considered as always open for the transaction of business therein.

In force and approved January 22, 1868.

By the act of 1868, c. 19 the clerk of the circuit court for Washington county is required to make a full and general alphabetical index, in a book or books, well bound for the purpose, of all deeds, mortgages, bills of sale and other conveyances of record in his office, which were recorded since the first day of January, in the year eighteen hundred and thirty-six, which index shall be in the name of each grantor, bargainor, donor or mortgagor, and each grantee, bargainee, donee or mortgagee, and shall refer to the book and page of the record of the several conveyances as aforesaid.

That the said clerk is hereby required to procure one new equity docket, well bound for the purpose, and transcribe therein in a fair, plain and legible hand all

the docket entries contained in equity docket No. 2, in the circuit court, with proper and suitable index or indexes to the same, and said new docket when so finished and completed shall be and is hereby declared to be substituted in the place and the stead of said original equity docket No. 2, and shall be as valid to all intents and purposes as the said original equity docket No. 2.

That the cost of said books shall be paid by the county commissioners for Washington county; and that the said clerk shall be paid for preparing and making said indexes out of the surplus proceeds of his office; and if there be no such surplus proceeds sufficient for such payment, then the balance or the whole amount, in case there should be no surplus at all, shall be paid by the county commissioners aforesaid, to be levied and collected as other county charges now are.

CLEARSPRING.

1868, c. 76 repeals and re-enacts sections 75 and 76 to read as follows :

75. He shall see that all ordinances of the corporations ^{1868, c. 76.} are faithfully executed, and shall, in virtue of his office, ^{Powers of bur-} have and exercise within the said town all the jurisdiction ^{gess.} and powers of a justice of the peace, and in all cases of judgment for misdemeanor and refusal to obey the ordinances of said corporations, which may have the approval of a majority of the commissioners, shall have power to imprison for such periods of time, and in such manner as the burgess and commissioners by ordinance may direct, and shall report annually to the commissioners, during the first two days of their session, the general condition of the town, with an accurate account of money received and expended, to be published for the information of the citizens.

76. No fines or forfeitures, imposed under any ordinance of said town, shall exceed the sum of twenty ^{Fines and for-} dollars for any offence, and all such fines and forfeit- ^{feitures.} ures shall be recoverable before the burgess, for the use of the corporations, as small debts are collected by a justice of the peace.

In force and approved February 26, 1868.

COUNTY COMMISSIONERS.

By the act of 1868, c. 68 the county commissioners of Washington county are hereby empowered to purchase the original records, field notes and books of the different surveys of Washington county, which may have been made by its several

county surveyors, or other surveyors, before and since its erection into a county, to be kept and preserved with other records of the county.

That the said commissioners shall be and are hereby empowered to levy such assessment on the real and personal property of said county, as shall raise a sufficient sum to pay for such records.

HAGERSTOWN.

1868, c. 405 adds the following sections under above title :

1868, c. 405.
Extending
limits of town.

144. The mayor and council of Hagerstown are authorized and empowered to extend and enlarge the corporate limits of said town, to such boundaries as, in their judgment, shall be deemed proper, and to establish the same, and that the said mayor and council shall have and exercise the same power and authority over the said corporate limits, so extended and enlarged as aforesaid, as they now have, or may hereafter have, by law.

Plat of town.

145. The said mayor and council shall cause a plat of said town, so extended and enlarged, to be made out, and have the same recorded among the land records of Washington county, and a certified copy thereof may be used in evidence in all suits or actions in which the said town or citizens thereof may be in any way interested, where the limits of said town are involved.

In force and approved March 28, 1868.

PARTRIDGES.

1868, c. 21 enacts the following :

1868, c. 21, s. 1.
When not law-
ful to shoot, &c.,
partridges.

228. No person or persons shall either trap, shoot or in any manner wound or kill any partridge or partridges in Washington county, from the date of the passage of this act until the twentieth day of October, A. D., 1870.

Ibid. s. 2.
Fine.

229. Any person or persons violating the preceding section, shall pay a fine of ten dollars for each and every partridge killed or wounded in violation thereof, to be recovered before a justice of the peace of said

county, one-half of which fine shall be paid to the county commissioners for the use of the public schools of said county, and the other half to the informer.

This act further provides that the operation of all acts of assembly in conflict with this act be and are hereby suspended until the expiration of the same.

In force and approved February 18, 1868.

ROADS.

By the act of 1868, c. 66 a company is incorporated to construct a turnpike or gravel road from Cereafoss Cross Roads through or near Fair View to the Pennsylvania line in Washington county.

RAIL ROAD.

See, under Public Local Laws, Art. IV, City of Baltimore, the act of 1868, c. 344, relating to the Western Maryland Rail Road Company.

ARTICLE XXII.

Wicomico County.

CIRCUIT COURT.

1. Terms.
2. Juries.
3. Proceedings made valid.
4. Rules of court.

COUNTY COMMISSIONERS.

5. Commissioners' powers and duties: almshouse.
6. Clerk: his salary and duties: oath.
7. Clerk's bond.
8. Farm for almshouse: election houses, &c.

ELECTIONS.

9. Limits and bounds of election districts.
10. What boundary lines to be laid off.

FOXES.

11. When not lawful to shoot.
12. Penalty.

JUDGMENTS.

13. What judgments, liens on real estate in Wicomico county.

JURORS.

14. List: panel.

JUSTICES OF THE PEACE AND CONSTABLES.

15. Number of justices and constables in election districts.
16. Additional justice in Quantico district.

ROADS.

17. Duty of road supervisors: proviso.
18. County Surveyor.

SALISBURY.

19. Powers of commissioners.
20. Before whom, to qualify.
21. Bailiffs.

SLAVE STATISTICS.

22. Commissioner for Wicomico county.

CIRCUIT COURT.

1868, c. 55 entitled an act to organize the circuit court for Wicomico county, and to regulate the terms thereof, enacts the following :

1868, c. 55, s. 1.
Terms.

SEC. 1. There shall be four terms of the circuit court for Wicomico county, to be held at Salisbury, commencing on the first Monday of the months of January and July, and the fourth Monday of the months of March and September in each year.

Ibid. s. 2.
Juries.

2. A jury shall be drawn and summoned, according to the mode prescribed by law for drawing and summoning jurors, to attend at the March and September terms of said court, or a majority of the Judges thereof, shall deem it expedient and shall so order, a jury may be drawn and summoned to the January and July terms, in the same manner as for other terms.

Ibid. s. 3.
Proceedings
made valid.

3. All proceedings which may have been had in the circuit court for Wicomico county, in pursuance of the order of the judges thereof, appointing terms thereof, be and they are hereby ratified, confirmed and made valid.

Ibid. s. 4.
Rules of court.

4. The judges of said court may pass all such rules as may be necessary for facilitating the business of the county, and such rules shall provide for the transaction of equity business, and the said court for equity business shall be considered as always open.

In force and approved February 18, 1868.

COUNTY COMMISSIONERS.

1868, c. 50 entitled an act regulating the number and prescribing the powers and duties of the county commissioners for Wicomico county enacts the following :

1868, c. 50, s. 1.
Commissioners' powers and duties.

5. There shall be five county commissioners for Wicomico county, who shall have all the powers and perform such duties as are now or may hereafter be conferred by law upon the county commissioners in several counties in this state not inconsistent herewith, and in addition thereto shall have the entire control

and management of the almshouse and poor of said Almshouse.
county without the intervention of trustees of the poor.

6. The said commissioners shall have power to ap- Ibid. s. 2.
point a clerk, who shall receive an annual salary of Clerk, his sal- ary and duties.
four hundred dollars; who before he enters upon the
discharge of his duties shall take the oath of office pro- Oath.
vided for by the constitution of the state, and remain in
office till his successor has been appointed and qualified.

7. The said clerk shall give bond to the state of
Maryland in the penal sum of one thousand dollars, Ibid. s. 3.
with two good and sufficient sureties for the faithful Clerk's bond.
performance of his duties; which bond shall be filed-
in the office of the clerk of the circuit court for said
county, a certified copy of which shall be sufficient
evidence in a suit against him.

8. The said county commissioners may purchase a
farm for an almshouse and grounds for the use of the Ibid. s. 4.
poor of said county; they may also purchase and use Farm for alma- house.
grounds and buildings for election houses and for other
public purposes, whenever in their judgment the pub- Election houses, &c.
lic convenience may require it for the use of said
county.

In force and approved February 18, 1868.

ELECTIONS.

1868, c. 24 entitled an act to define the limits of the several election districts in
Wicomico county enacts the following:

9. The following shall be the limits and bounds of 1868, c. 24, s. 1.
the several election districts in Wicomico county, to Limits and bounds of election dis- tricts.
wit: district number one, or Barren creek, shall be
and remain as it is now defined by law; district num-
ber two, or Quantico, shall be and remain as it is now
defined and limited by law; district number three, or
Tyaskin, shall also be and remain as it is now bounded
by law; district number four, or Pittsburg, shall em-
brace all that part of the district formally called Cross
Roads, embraced and included within the following
limits: beginning where the channel of the Pocomoke

river crosses the line of the state of Delaware, thence running by and with said channel to bridge called Givens' bridge, thence with a road to a place called St. James' Chapel, thence with a line drawn due west to the line of Parsons' or Nutters' district, at the head of Nassawango creek, thence by and with the line of Parsons' district to the line of the state of Delaware, thence by and with said line to the beginning; and Pittsburg, formerly Cross Roads, shall be the place of voting for said district. Number five, or Parsons' district, shall be and remain as now defined by law.— Number six, or Dennis' district, shall embrace all the territory south of Pittsburg district to the line of Worcester and Wicomico counties, and all east of the main branch of the Nassawango creek, and Powellsville shall be the place of holding the elections in said district. District number seven, or Trappe, shall be and remain as now fixed by law, except that part which was taken off by the dividing line of Wicomico from Somerset county and the Trappe, shall be and remain the place of holding the elections. District number eight, or Nutters', shall be and remain as now fixed by law, except that part taken off by the new county line, and that part which was formerly Culborn's district on the west side of Nassawango creek, which is by this act embraced within the limits of Nutters' district. Number nine, or Saulsbury district, shall be and remain as now fixed by law. District number ten, or Sharptown, shall be and remain as now defined by law.

Ibid. p. 2.
What boundary
lines to be laid
off.

10. The surveyor of Wicomico county shall on or before the first Monday in July next, proceed to lay off and survey the boundary line dividing the districts of Pittsburg and Dennis, beginning at Given's bridge, on the Pocomoke river, thence running by and with the road leading to Saint James' chapel to said point called Saint James' chapel, thence a due west line to the line of Parsons' district. And for a division or line between Dennis' district and Nutters', the main branch of the Nassawango creek shall be the boundary.

In force and approved February 18, 1868.

EXECUTIONS.

See, under Public Local Laws, Art. XIX, Somerset County, the act of 1868, c. 45 providing for the issue of execution on judgments in Somerset and Worcester counties, against persons residing in Wicomico county; and under same article, the act of 1868, c. 46 ratifying the proceedings of the sheriffs and constables of Somerset county and Worcester county, upon executions issued to them prior to the formation of Wicomico county.

FOXES.

1868, c. 75 entitled an act to protect foxes whilst pursued by dogs in Wicomico county enacts the following:

11. It shall not be lawful for any person to shoot any fox, whilst pursued by a pack of hounds, within the limits of Wicomico county, at a time when sportsmen are in pursuit of the same.

1868, c. 75, s. 1.
When not lawful to shoot foxes.

12. Any person offending against the first section of this act shall be fined a sum not exceeding ten dollars, at the discretion of the justice of the peace before whom he may be presented; one-half of said fine to go to the informer, the other half to be applied to the use of the poor of said county, to be recovered as other small debts are recovered.

Ibid. s. 2.
Penalty.

In force and approved February 26, 1868.

JUDGMENTS.

1868, c. 16 enacts the following:

13. All judgments rendered in the circuit courts for Somerset and Worcester counties, and all judgments which may be rendered in either of said courts, on suits depending in said courts, at the time of the adoption of the constitution, against persons residing in Wicomico county, are declared to be liens on the real estate of said persons, situate in Wicomico county, to all intents and purposes, as if said judgments had been rendered in the circuit court for Wicomico county.

1868, c. 16.
What judgments, liens on real estate in Wicomico county.

In force and approved February 6, 1868.

See 1868, c. 18 in this article, under Justices of the Peace and Constables.

JURORS.

1868, c. 118 enacts the following :

1868, c. 118.
List.

14. The judges of the circuit court for Wicomico county, or some one of them, within the period of one month, and not less than fifteen days before each jury term of said court, shall select from the lists prescribed by law one hundred and fifty names, to be placed in a box such as is provided by law for the other counties in the state, from which he shall cause to be drawn, in the manner prescribed by law for the other counties of the state, a panel of jurors to serve at the jury terms of of said court, and when such panel is drawn, the said judges or judge shall direct the clerk of said circuit court to issue a *venue* to the sheriff of said county, commanding him to summon as jurors to attend at the next ensuing term of said court, the several persons whose names may be drawn as aforesaid.

Panel.

In force and approved March 7, 1868.

JUSTICES OF THE PEACE AND CONSTABLES.

1868, c. 12 enacts the following :

1868, c. 12.
Number of justices and constables in election districts.

15. There shall be the following number of justices of the peace and constables in the several election districts in Wicomico county, to wit: in election district number one (Barren creek,) there shall be two justices of the peace and two constables. In election district number two (Quantico,) there shall be two justices of the peace and two constables. In election district number three (Tyaskin,) four justices of the peace and two constables. In election district number four (Pittsburg,) there shall be three justices of the peace and two constables. In election district number five (Parsons') there shall be two justices of the peace and two constables. In election district number six (Dennis,) two justices of the peace and two constables. In elec-

tion district number seven (Trappe,) two justices of the peace and two constables. In election district number eight (Nutters') two justices of the peace and two constables. In election district number nine (Salisbury,) there shall be three justices of the peace and two constables. In election district number ten (Sharptown,) there shall be two justices of the peace and one constable.

In force and approved February 6, 1868.

1868, c. 257 enacts the following:

16. In addition to the two justices of the peace, in district number two, (Quantico,) in Wicomico county, now provided for by law, there shall be an additional justice of the peace appointed for said district, in said county, and the governor is hereby authorized to appoint and commission an additional justice of the peace for said district.

1868, c. 257.
Additional justice in Quantico district.

In force and approved March 30, 1868.

By the act of 1868, c. 18 all the official acts of the several justices of the peace, constables and road supervisors residing and acting within the limits of Wicomico county, who received their appointments as such for the counties of Somerset and Worcester, are ratified and confirmed and made as good and binding in law as if they had been duly appointed and qualified as officers for Wicomico county until their successors shall have been appointed and qualified; provided the same be not otherwise defective for reasons other than want of jurisdiction.

That justices of the peace, resident within the limits of Somerset or Worcester county, who may have rendered judgment against any person resident within the limits of Wicomico county, from whose judgment an appeal has been prayed, within sixty days from the rendition thereof, shall transmit the papers in such case together with a copy of the judgment rendered therein to the clerk of the circuit court for Wicomico county for review in said court.

That all judgments rendered by the justices of the peace of Wicomico county for any sum exceeding fifty dollars (provided a certified copy thereof be recorded in the office of the clerk of the circuit court for said county,) shall be a lien upon the real estate of the defendant.

That all sales made by the sheriffs and constables of Somerset and Worcester counties respectively, or which may be made by them in pursuance of writs issued to them before the adoption of the present constitution, and levied by them upon property within the limits of Wicomico county, be and the same are hereby ratified and confirmed, provided the same shall have been levied and made in strict conformity to law and liable to no exceptions other than want of jurisdiction.

ORPHANS' COURT.

1868, c. 253 enacts that in all cases of guardianship and wardship now pending in either of the orphans' courts for Somerset and Worcester counties, which may have two or more years to run before the expiration of said guardianship or wardship on application to the said orphans' court for the county where such guardianship was entered, and on payment of all fees due in said orphans' court and to the register of wills of said county, said guardian may take a certificate of all his proceedings had in said court, including all accounts which he may have passed against his ward or wards, together with a full account of all his proceedings had in said court, the same to be filed in the office of the register of wills for Wicomico county where the said guardian and ward or wards respectfully reside.

That where any lands belonging to the estate of a deceased person lying within the limits of Wicomico county and where the administrator resides, and when all the personal effects of said deceased person have been duly administered in either of the counties of Somerset or Worcester, and the said administrator shall produce a certificate of such administration to the orphans' court of Wicomico county, and the said orphans' court for Wicomico county shall be satisfied that it will be to the advantage of all concerned to have said real estate sold and the proceeds invested for the benefit of the heirs of said deceased, they may order the same to be sold by said administrator and the proceeds invested as now provided by law.

In force and approved March 30, 1868.

ROADS.

1868, c. 277 enacts the following:

1868, c. 277.
Duty of road
supervisors.

17. It shall be the duty of the supervisors of the public roads in Wicomico county to examine all public roads in their respective road districts, and if any of said roads are found to be less than thirty feet wide, and if the said supervisor finds that at any point said road cannot be improved or repaired without widening the same he shall have full power to remove fences, fill up and remove ditches, cut down and remove trees, or any other obstructions so that the said road may be rendered passable and convenient; *provided* such widening shall not exceed thirty feet.

Proviso.

Ibid. s. 2.
County surveyor.

18. If any person or persons shall feel aggrieved at the action of the supervisor in the performance of his duty under this act in removing his, her or their fence or other obstruction, he, she or they may call in the county surveyor for the purpose of ascertaining where

the centre of said road is, so as to know where the fifteen feet from the said centre of the said road will run and be located, and if the said surveyor shall decide in favor of the location made by the supervisor then the party or parties appealing to said surveyor shall pay the expenses of said survey; but if the said surveyor shall decide that the location made by said supervisor is not correct and that it is an injury to said party or parties so appealing, then the county commissioners shall pay the said surveyor four dollars for each day he may be employed in surveying such road or roads; but said surveyor shall not charge for any survey made on any road unless he shall have been called in on an appeal from the action of some road supervisor of the public roads in said county.

In force and approved March 30, 1868.

RAIL ROADS.

By the act of 1868, c. 245 the Wicomico and Nanticoke rail road company is incorporated, and the act of 1868, c. 266 is supplemental to the act passed at January session, 1864, c. 116 entitled, an act to revive and extend an act to incorporate the Wicomico and Pocomoke rail road company with amendment, passed at December session, 1847.

SALISBURY.

1868, c. 146 entitled an act to add sections to the act of 1867, c. 377, [Sup. 640.] to be embraced in Art. XXII of the Supplemental Code of Public Local Laws for Wicomico county, sub-title Salisbury, enacts the following:

19. The said town commissioners of the town of Salisbury, or a majority of them, shall have full power and authority to straighten and widen old streets, and to open, lay out and grade new ones, whenever in their judgment the same may be necessary, or that the public convenience and improvement may require it, and they or a majority of them shall have full power to provide for the payment of damages and expenses incurred by opening, widening or straightening the streets as aforesaid, by levying and assessing the same generally upon

1868, c. 146.
Power of com-
missioners.

the whole of the assessable property of said town, or upon the property of persons benefitted thereby.

Before whom
commissioners
to qualify.

20. The commissioners who shall hereafter be elected, as provided for in the third section of said article, shall qualify before the clerk of the circuit court for Wicomico county, and not as provided for in the fourth section of said article.

Bailiffs.

21. The bailiffs appointed by said commissioners shall qualify before the clerk of the circuit court of said county, whose bond shall be approved by the commissioners of Wicomico county, and not before a justice of the peace and the county commissioners, as provided for in section seven of said article.

In force and approved March 20, 1868.

SLAVE STATISTICS.

1868, c. 254 enacts the following:

1868, c. 254.
Commissioner
for Wicomico
county.

22. There shall be a commissioner of slave statistics for Wicomico county, who shall be appointed and qualified as prescribed by the act passed at the January session, 1867, c. 189, [Sup. 111,] and be subject to all the provisions of that act except as to the time of appointment.

In force and approved March 30, 1868.

See act of 1868, c. 385, under Public General Laws, Art, XXXVII, Evidence.

ARTICLE XXIII.

Worcester County.

BERLIN.

1. Incorporated.
2. Limits of town.
3. Election of commissioners.
4. Judges of election: returns.
5. How elections conducted.
6. President of board.
7. Vacancies.
8. Clerk.
9. Fines and forfeitures.
10. By laws and ordinances.
11. Assessment.
12. Bailiff.
13. His fees.
14. Oath of commissioners and corporation officers.
15. Bond of clerk and bailiff.
16. Powers of commissioners.

CIRCUIT COURT.

32. Terms.

ELECTIONS.

40. Election districts.
41. Boundaries of election districts.
42. What boundaries not altered.
43. Appointment of constables, justices and road supervisors.
44. Districts included: remaining portion.

JUSTICES OF THE PEACE AND CONSTABLES.

55. Number of.

OYSTERS.

90. Non-residents not to take, &c., oysters, terrapins, clams, &c.: penalty: proviso.
91. Disturbing terrapins: penalty.
92. Converting oysters into lime: penalty.
93. Proceedings before justice: recognition: commitment.
94. Officer to seize boat, &c.
95. Judgment.
96. Fee of officer.
97. Moiety of fine to informer.

98. Affidavit: warrant of arrest.
99. Taking, &c., oysters: penalty.

PARTRIDGES.

100. When not lawful to trap or shoot, &c.

SHERIFF.

127. Fees, &c.

SNOW HILL.

128. Incorporated.
129. Limits of town.
130. Election of commissioners.
131. Judges of elections: returns: certificates of election.
132. Oath of judges.
133. Vacancy among commissioners.
134. Oath of commissioners: meetings of board.
135. President.
136. Clerk and bailiff.
137. Nuisances, &c., streets.
138. Firing guns, &c.: tumultuous meetings.
139. Dogs.
140. Fines, penalties and forfeitures.
141. Public grounds: pump.
142. Cattle, &c., running at large.
143. Hogs and geese: impounding.
144. Assessment.
145. Assessors.
146. Appeal from assessment.
147. Treasurer of corporation: accounts: bond.
- Sub-Sec. 1. Treasurer's compensation.
- Sub-Sec. 2. Oath of clerk and bailiff.
- Sub-Sec. 3. Arrests.
- Sub-Sec. 4. Lamp posts.
- Sub-Sec. 5. By laws and ordinances: penalties, fines and forfeitures.
- Sub-Sec. 6. Fire engine.
- Sub-Sec. 7. Tax on cows and calves running at large.
- Sub-Sec. 8. Limits of town.
- Sub-Sec. 9. Ordinances, &c., to be published.

BERLIN.

1868, c. 424 enacts the following:

SEC. 1. The citizens of the town of Berlin, in Worcester county, are hereby constituted a body corporate by the name of the Commissioners of Berlin, and by

1868, c. 424, s. 1.
Incorporated.

that name may have perpetual succession, sue and be sued, and have and use a common seal.

*Ibid. s. 2.
Limits of town.*

2. The limits of said town shall begin at the southeast corner of the Buckingham cemetery, and shall run from thence by and with the south side of the Newport road via the African Church, to the northwest corner of the Major Hill lot, and thence to the intersection of the Sinepuxent road with Hudson's Branch, thence to the south side of the bridge, over Nelson's Branch, on the Taylorsville road, thence to the south side of the bridge at the intersection of the St. Martin's and Whaleyville roads, thence to L. P. Franklin's gate on the Libertytown road, thence to the southwest corner of H. D. Yinglis' lot on the road running from the Buckingham cemetery to John E. H. Marshall's gate, thence in an easterly course by and with said road and the south line of said cemetery to the beginning; the commissioners hereafter to be elected may make such alterations in said limits as they may deem advisable, and cause the same to be surveyed and the boundaries thereof to be established, and the record thereof to be filed amongst the records of the corporation.

*Ibid. s. 3.
Election of
commissioners.*

3. The white male citizens of said town, of the age of twenty-one years and upwards, having resided therein for the space of six months next preceding the first Monday in May next, may on that day at the town hall in said town, and on the first Monday in May in each and every year thereafter, be authorized to elect five commissioners for said town, who shall have resided within the limits of the same for at least two years next preceding the election.

*Ibid. s. 4.
Judges of election.*

4. The justices of the peace in Berlin election district are hereby empowered to act as judges of the first election for said commissioners, who shall keep the polls open from two o'clock, P. M., until five o'clock, P. M., and shall conduct the said election in the same manner as an election for delegates to the general assembly, (except that registration shall not be deemed a necessary qualification for voters,) and as far

as may be consistent with the provisions of this act, and the said judges shall make return under their hands and seals of the persons elected to the clerk of ^{Return.} the circuit court for Worcester county.

5. All future elections shall be held and conducted ^{Ibid. s. 5.} as shall be from time to time directed by the laws of ^{How elections conducted.} the corporation, the same not being inconsistent with the provisions of this act.

6. The said county commissioners, elected according ^{Ibid. s. 6.} to the provisions of this act, shall, on the first meeting ^{President of Board.} after said election, choose some of the said commissioners president of the board, whose duty it shall be to preside at the meetings of said commissioners, to preserve order and give such directions as may be deemed necessary to carry into effect the provisions of this act.

7. The commissioners aforesaid, or a majority of ^{Ibid. s. 7.} them, may meet together from time to time as often ^{Vacancies.} as occasion may require upon the business of said town, and not less than once in every three months, and if during the year for which they may be elected any of the said commissioners should die, resign, remove from said town, or be otherwise disqualified, an election to fill the vacancy on ten days' notice thereof being given by the commissioners shall be held, at which all persons qualified as specified in the third section of this act shall be entitled to vote.

8. The said commissioners, or a majority of them, ^{Ibid. s. 8.} shall have power to appoint a clerk and assign his ^{Clerk.} duties, and allow him such compensation for his services as they may think proper. All ordinances passed by the said commissioners shall be entered in a book by said clerk, which shall be kept by him for that purpose, and shall be open at all times for the inspection of any person interested, and copies of all ordinances shall be put up in the most public places of said town.

9. All fines and forfeitures, under the ordinances of ^{Ibid. s. 9.} the said corporation, shall be recoverable as small debts ^{Fines and forfeitures.} are recoverable out of court before any justice of the peace.

Ibid. s. 10.
By-laws and or-
dinances.

10. The said commissioners, or a majority of them, shall have full power to make all such by-laws, regulations and ordinances, not inconsistent with the laws and constitution of this state, as from time to time they may deem wise, equitable and expedient, for the comfort, health, convenience and prosperity of said town and its inhabitants, for the prevention and removal of nuisances, preservation of health, and suppression of vice and immorality within the limits of said town and shall have power to lay an equal tax on the assessable property within said limits to such an amount as may from time to time be deemed necessary to accomplish the purpose aforesaid, which tax shall be collected and paid to the president and commissioners by the collector by them appointed, who shall have the same power to distrain therefor as the collector of public county assessment has to distrain for the same, and the said president and commissioners shall fix the term of office, amount of bond, and compensation of such collector.

Ibid. s. 11.
Assessment.

11. The commissioners may, as often as deemed advisable, cause an assessment to be made of all real and personal property within the corporate limits, by a person to be appointed and paid by them, which assessment shall not exceed the assessment of the same property for county purposes, and the commissioners may levy a tax thereon, not exceeding in any one year twenty cents on the hundred dollars worth of assessable property.

Ibid. s. 12.
Bailiff.

12. The said commissioners, or a majority of them, shall have full power and authority annually to appoint a bailiff, whose duty it shall be to preserve the peace and good order of said town, and for this purpose he is hereby vested with the same power and authority as any constable may have under the laws of this state.

Ibid. s. 13.
Fees of bailiff.

13. The bailiff shall have the same fees for making arrests, or serving process, for violation of any ordinance of the corporation, as are allowed constables for similar services.

14. The commissioners and all other officers of the corporation shall, before they enter upon the duties of their office, take an oath before a justice of the peace that they will diligently and faithfully, to the best of their judgment, discharge the duties of their office without favor, partiality or prejudice, and shall file the certificate of the officer before whom the same was taken, among the records of the corporation.

Ibid. s. 14.
Oath of commissioners and corporation officers.

15. The clerk and bailiff shall give a bond, payable to the commissioners, in such penalty and with such security as the commissioners may require, conditioned for the faithful performance of the duties of the office of bailiff or clerk.

Ibid. s. 15.
Bond of clerk and bailiff.

16. The commissioners may pass such ordinances, not contrary to law, as they may deem beneficial to the town, may open and close streets, straighten, widen and improve the same, grade and pave the same, restrain all disorders and disturbances, apprehend and fine all vagabonds, and may impose fines, penalties and forfeitures for the violation of their ordinances.

Ibid. s. 16.
Powers of commissioners.

In force and approved March 30, 1868.

CIRCUIT COURT.

1868, c. 57 repeals and re-enacts section 32 so as to read as follows:

32. There shall be four terms of the circuit court for Worcester county, two to be held at Snow Hill, commencing on the third Monday of the months of January, May and July, and the fourth Monday of October.

1868, c. 57.
Terms.

In force and approved February 18, 1868.

COUNTY COMMISSIONERS.

By the act of 1868, c. 460, section 38 of this article, relating to the county commissioners, is repealed.

In force and approved March 30, 1868.

ELECTIONS.

1868, c. 80 repeals sections 40 and 41 and enacts the following in lieu thereof:

1868, c. 80.
Election dis-
tricts.

40. Worcester county is divided into eight election districts, and the said districts are named and numbered as follows: Coston's district number one, Snow Hill district number two, Berlin district number three, New Ark district number four, St. Martin's district number five, Colbourn's district number six, Atkinson's district number seven, Sandy Hill district number eight, and all elections for public officers shall be held in each of said districts at the place therein established for that purpose, or may hereafter be established by law.

Boundaries of
election dis-
tricts.

41. The following are the boundaries of Coston's, or election district number one: commencing at the Pocomoke river at the mouth of Carey's creek, thence running by and with said creek to Mason's Mills, thence by and with the county road from Mason's Mills to a place known by the name of the "Sheep House," and thence in a direct course by survey to the line of the state of Virginia; all of the territory west of said boundary line is included in the boundaries of the said election district number one. For Snow Hill election district number two, the boundaries shall be the same as are now established by law, and shall continue to be the limits of said district. For Berlin, election district number three, the same boundaries as are now established by law shall continue to be the limits of said district number three. For New Ark, election district number four, the same boundaries as are now established by law shall continue to be the limits of said district number four. For St. Martin's, election district number five, the same boundaries as are now established by law shall continue to be the limits of said district number five. For Colbourn's, election district number six, the same boundaries heretofore established by law, in so far as they do not conflict

with the election districts of Wicomico county, or the territory of said county, shall be the limits of said district number six, except such other additional territory as by this act may be included therein. For Adkinson's, election district number seven, the same boundaries as are now established by law, in so far as they do not conflict with the election districts of Wicomico county, or the territory of said county, shall be the limits of said district number seven, except such other additional territory as by this act may be included therein. For Sandy Hill, election district number eight, the following shall be the boundaries of said district, namely: all that territory east of line in the said forty-first section of this act mentioned, beginning at the Pocomoke river at the mouth of Carey's creek, and thence running by and with said creek to Mason's Mills, thence by and with the county road from Mason's Mills to a place known by the name of the "Sheep House," and from thence in a direct line by survey to the line of the state of Virginia.

42. So much of the territory and boundaries of the said election districts of Worcester county, shall conform to the present boundaries of said election districts in such respects as are not altered and changed by the formation and erection of Wicomico county and the special provisions of this act.

1868, c. 80, s. 2.
What boundaries not altered

43. This re-numbering and re-organizing of the said districts shall not invalidate the appointment of constables, road supervisors, or justices of the peace, heretofore appointed for said districts by their former numbers and designations, but the same shall be as valid and effectual for said districts by their numbers as before this act.

Ibid. s. 3.
Appointment of constables, justices and road supervisors.

44. All that portion of the district heretofore known as election district number eight, or Nutter's, remaining within the limits and boundaries of Worcester county since the formation of Wicomico county, shall be included in the territory and boundaries of the district known as Adkinson's election district number seven, except such portion of said district number

Ibid. s. 4.
Districts included.

Remaining portion. eight, lying on the east side of the road leading from the furnace known as the Furnace road, from Salisbury to Snow Hill, which shall be included in Colbourn's, election district number six, and all the remaining portion and territory of Colbourn's election district number six, so far as the same remains within the limits of Worcester county, is hereby established by law as Colbourn's, election district number eight.

In force and approved February 26, 1868.

FERRY OVER POOMOKE.

See, under Public Local Laws, Art. XIX, Somerset county, the act of 1868, c. 422, providing for a public ferry at Rehobeth in Somerset county, across the Pocomoke.

JUDGMENTS.

See, under Public Local Laws, Art. XXII, Wicomico county, the act of 1868, c. 16, making judgments in the circuit courts for Somerset and Worcester counties, liens in Wicomico county. See under Public Local Laws, Art. XIX, Somerset county, the act of 1868, c. 46, ratifying the proceedings of the sheriffs and constables of Somerset and Worcester counties, upon executions issued to them prior to the formation of Wicomico county, and the act of 1868, c. 45, providing for the issue of execution on judgments in Somerset and Worcester counties, against persons residing in Wicomico county.

JUSTICES OF THE PEACE AND CONSTABLES.

1868, c. 69 repeals and re-enacts section 55 so as to read as follows:

1868, c. 69.
Number of justices and constables.

55. There shall be the following number of justices of the peace and constables in Worcester county, to wit: for election district number one, Coston's, two justices of the peace and one constable; for election district number two, Snow Hill, two justices of the peace and one constable; for election district number three, Berlin, three justices of the peace and two constables; for election district number four, Newark, two justices of the peace and one constable; for election district number five, St. Martin's, two justices of the peace and one constable; for election district number six, Colbourn's

two justices of the peace and one constable; for election district number seven, Atkinson's, two justices of the peace and one constable; for election district number eight, Sandy Hill, two justices of the peace and one constable.

In force and approved February 26, 1868.

ORPHANS' COURT.

See, under Public Local Laws, Art. XXII, Wicomico county, the act of 1868, c. 253 providing for the removal of cases of guardianship and wardship from the orphans' courts of Somerset and Worcester counties, to the orphans' court of Wicomico county, and providing for the sale of real estate by executors and administrators, resident in Wicomico county where such administration was begun in either of the counties of Somerset or Worcester.

OYSTERS.

1868, c. 343 enacts the following :

90. Any person or persons other than citizens of this state, and actual residents therein, who shall take, plant or remove oysters, terrapins, clams or other shell fish in the waters thereof, or in the waters of the Chincoteague, Sinepuxent, Parker's bay, or in any of the tributaries thereof included in the boundaries of Worcester county, he, she or they shall forfeit unto the state of Maryland five hundred dollars; the vessel, skiff, craft, boat, or other contrivance used or employed in such business, or built or intended for such purposes, shall be confiscated and sold, and the proceeds of such sales shall be divided, one moiety to the state and the other to the informer; *provided*, that this section shall not affect a *bona fide* owner or tenant of some tract of land on the tide water course therein; and provided, that this act shall not restrict or prevent traders or other persons from purchasing from or selling to non-residents the shell fish in this act mentioned.

1868, c. 343.
Non-residents
not to take, &c.,
oysters, terrapins, clams, &c.

Penalty.

Proviso.

91. If any person shall disturb terrapins or their eggs within the limits of Worcester county between the first day of May and the fifteenth day of October,

Ibid. s. 2.
Disturbing terrapins.

Penalty.

he shall forfeit and pay to the state not more than fifty dollars, nor less than five dollars, to be recovered on information before some justice of the peace in said county, one-half of which penalty shall be paid to the informer and the other to the state, the same to be recovered in the same manner in which small debts are recovered before justices of the peace. And in all such cases an appeal shall lie to the circuit court for said county, subject to the same laws and rules that govern in similar cases.

*Ibid. s. 3.
Converting oys-
ters into lime.*

92. If any person shall take oysters for the purpose of converting them into lime, upon conviction in the circuit court for Worcester county, he shall forfeit and pay to the state of Maryland the sum of five hundred dollars, and the costs and charges accruing in the prosecution of the offender.

Penalty.

*Ibid. s. 4.
Proceedings
before justice.*

93. The offences named or contemplated by this act may be heard by any justices of the peace of this state before whom the offending party or parties may be brought, or any justice of the peace who, upon information, shall issue a warrant for the apprehension of any offender; the said justice, upon hearing proof, may either discharge the accused or require him to enter into recognizance with sureties in double the amount of the penalty for any violation of the provisions of this act, to appear at the then session or at the next term of the said court, to answer for the offence, and to satisfy the judgment which may be rendered against him therefor, or in default thereof to be committed to the county jail until such recognizance be given.

Recognizance.**Commitment.**

*Ibid. s. 5.
Officer to seize
boat, &c.*

94. The officer executing such warrant shall take possession of and safely keep any vessel, boat, skiff, craft or other contrivance, with her tackle and appurtenances, which to the offender may belong or is being used, or to be used, or having been used in the commission of the offence for which he is prosecuted, and shall hold the same until the recognizance required be given, and the penalties, fees and fines be paid, or until the defendant be acquitted.

*Ibid. s. 6.
Judgment.*

95. If judgment be given against the defendant, it shall be a part of the judgment of the court, that if the

penalties and costs be not forthwith paid, all the property so seized shall be sold, and the proceeds accounted for as if it were the property of the defendant seized, under execution for the satisfaction of the judgment.

Ibid. s. 7.
Fee of officer.

96. For the seizure and safe keeping of any vessel or boat with the equipments thereof, under the provisions of this act, the officer effecting the same shall receive a fee of twenty dollars, to be taxed in the cost, and the offender to be committed to the county jail until all penalties, costs, charges and fees are paid and the judgments against him fully satisfied.

97. The informer, if there be one, shall be entitled to a moiety of any fine or forfeiture imposed by this act.

Ibid. s. 8.
Moiety of fine
to informer.

98. Where a proceeding is initiated for any violation of this act or any section thereof, on affidavit of such violation, a justice of the peace may issue his warrant for the apprehension of the offender, and it shall not be necessary therein to name the offender, the vessel or boat in his employment, and when the penalty is incurred by reason of the defendant being a non-resident, the burthen of proof as to his residence shall be upon him.

Ibid. s. 2.
Affidavit.

Warrant of
arrest.

99. If any person shall take, steal or sell planted oysters of another, knowing them to be such, from any of the waters in this act mentioned, he shall, upon conviction in said court, be fined not less than fifty nor more than one hundred dollars, and may at the discretion of the court be confined in jail not less than one nor more than six months.

Ibid. s. 10.
Taking, &c.,
oysters of another.

Penalty.

In force and approved March 30, 1868.

See the act of 1868, c. 406, relating to taking oysters, &c., under Public General Laws, Art. LXXI, Oysters.

PARTRIDGES.

1868, c. 430 repeals and re-enacts 1864, c. 309, s. 1, [Sup. 650] as follows :

100. No person or persons shall trap or shoot, or in any manner catch or kill any partridges in Worcester county, between the first day of March and the first day of November in each year.

1868, c. 430.
When not law-
ful to trap or
shoot, &c., par-
tridges.

In force and approved March 30, 1868.

ROADS.

See, under Public General Laws, Art. XXVIII, County Commissioners, the act of 1868, c. 289, relating to roads.

RAIL ROADS.

1868, c. 144 is an act to secure the completion of the Worcester Rail Road, 1868, c. 296 is entitled an act to amend an act entitled an act to amend the act of 1860, c. 330, entitled an act to carry into effect the eighth section of the act entitled an act for the promotion of internal improvements, passed at the December session, 1835, c. 395, by applying the unappropriated part of the appropriation made by said act for the purposes of internal improvements in Worcester county to the construction of the Worcester Rail Road, and the Wicomico and Pocumoke Rail Road.

By the act of 1868, c. 84, the commissioners appointed under an act entitled an act for clearing out the Pocumoke river, in Worcester county, by means of a lottery, passed at December session, 1840, c. 215, and the supplements thereto, are authorized to invest moneys remaining in their hands in the mortgage bonds of the Wicomico and Pocumoke Rail Road Company.

SHERIFF.

1868, c. 465 repeals section 127 and enacts the following as a substitutes therefor:

1868, c. 465.
Fees, &c.

127. The sheriff of Worcester county shall be entitled to receive the sum of fifty cents per day for boarding each prisoner committed to the county jail; for serving writ and return, sixty cents; for taking bail bond, one dollar; for empannelling jury, three dollars; for serving *scire facias*, including the person summoned, sixty cents; for serving citation, sixty cents; for serving *subpoena* and return, sixty cents; for summoning appraisers to value goods and chattels taken by attachment, *fi. fa.* or replevin, each person summoned, sixty cents; for each person summoned as evidence in any case or inquisition, sixty cents; for laying an attachment in any garnishee's hands for each person garnished, sixty cents; for serving an execution, twenty-five.

In force and approved March 30, 1868.

SNOW HILL.

1868, c. 236 repeals sections 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146 and 147 of this article and enacts the following sections and sub-sections in their stead, under the sub-title Snow Hill:

128. The citizens of the town of Snow Hill, in Worcester county, a body corporate by the name of the commissioners of Snow Hill, and by that name may sue and be sued, and may have and use a common seal, and may alter the same at pleasure. 1868, c. 236. Incorporated.

129. The bounds and limits of said town are as described in the plats thereof on file, and of record in the office of the clerk of the circuit court for Worcester county. Limits of town.

130. The free male white citizens of Snow Hill who have lived in said town six months preceeding the election, and the free male white citizens of Worcester county who own any real property or houses in said town of the age of twenty-one years or upwards, are required on the first Monday of May annually, to elect seven persons who are qualified voters of said town, who have resided therein twelve months previous to the election, and who at the time of said election are conducting some business in said town, or have a family therein, commissioners for said town for the ensuing year. Election of commissioners.

131. The clerk of the circuit court for Worcester county is required to appoint by writing under his hand and seal three judges to hold the first election, who shall keep the polls open on the first Monday of May in the year eighteen hundred and sixty-eight, from nine o'clock in the morning until five o'clock in the afternoon, and after the polls are closed and the ballots have been counted, they shall within two days of said election make a true and faithful return to the clerk of the circuit court of Worcester county, who shall forthwith issue certificates of election to the persons so elected, and said certificates shall be recorded among the proceedings of the said commissioners. Judges of election. Returns. Certificates of election.

Oath of judges 132. The judges so appointed shall before proceeding to hold said election, take an oath before some justice of the peace for Worcester county, to allow all persons to vote who are so qualified according to the provisions of this act, and that they will allow none to vote unless they are so qualified.

Vacancy among commissioners. 133. If any of said commissioners shall die, resign or be disqualified to act, the remaining commissioners shall as early thereafter as possible, fill the vacancy from among the qualified voters as aforesaid, and the office of a commissioner shall be vacated by his removal from said town.

Oath of commissioners. 134. Each commissioner before he proceeds to act as such shall make oath before a justice of the peace for Worcester county, that he will diligently and faithfully to the best of his skill and judgment, perform the duties of a commissioner of said town without favor, partiality or prejudice, and a certificate of such qualification shall be returned by the said justice to the commissioners, and filed and recorded among their proceedings, and the said commissioners shall meet on the first Monday of every month, and as much oftener, by adjournment, as they may think proper, and a majority shall constitute a board for the transaction of any business.

Meetings of board.

President. 135. The said commissioners shall at their first meeting, or as soon thereafter as possible, elect a president, who shall preside at all meetings of the board, when present give directions to the clerk and bailiff, by the advice of the commissioners or a majority of them, and superintend such improvement of the town as may be ordered by the commissioners, and in the absence of the president the commissioners may appoint some member of the board to fill the chair temporarily.

Clerk and bailiff.

136. The said commissioners shall appoint a clerk, who shall keep the minutes of their proceedings in a well bound book, to be provided by them for that purpose; and they shall also appoint a bailiff to said town and prescribe his duties, and shall pay the said clerk and bailiff such compensation as they may deem rea-

sonable and just, and may remove either of said officers at pleasure.

137. The said commissioners shall cause to be removed all nuisances and obstructions that may interrupt the passage, or injure the health of the inhabitants of said town, from the streets, lanes and alleys, and may provide for the mending and improvement thereof. Nuisances, &c., streets.

138. They may prohibit the firing of guns or pistols in said town, and may prohibit the tumultuous and irregular meetings of idle and dissolute persons, and shall give general directions to the bailiff to disperse the same by fair and lawful means. Firing guns, &c. Tumultuous meetings.

139. The said commissioners may provide for levying and collecting annually a tax of fifty cents on every dog and one dollar on every bitch within said town, and the killing of every dog and bitch whose owner cannot be ascertained, or whose owner shall refuse to pay said tax, or who shall fail to do so within one month from the time he shall be first called upon to do so. Dogs.

140. The said commissioners may impose such fines, penalties and forfeitures for breach of their ordinances as they may think proper, not exceeding five dollars for any one offence, and may pass all ordinances necessary to give effect and operation to the powers vested in them. Fines and forfeitures.

141. The public grounds in said town shall be vested in said commissioners, so far as to preserve the same, and prevent depredations thereon, and they may erect a pump thereon if they think necessary. Public grounds. Pump.

142. They may pass ordinances to prevent horses, cattle, swine and geese from running at large within the limits of said town. Cattle, &c., running at large.

143. Nor person shall permit his hogs or geese to run at large in said town, and if any hog or goose shall be found running at large therein, the bailiff shall immediately seize and impound the same, and the bailiff shall immediately give notice thereof by public advertisement, and if the owner shall not within three days thereafter pay said bailiff ten cents for every Hogs and geese. Impounding.

day of impounding any goose, and fifty cents for every day of impounding any hog, the bailiff may sell the same at public sale, and after deducting thirty cents for every goose, and one dollar for every hog, shall pay the purchase money to the commissioners of said town.

Assessment.

144. The said commissioners may cause an assessment and valuation to be made of all the real and personal property within said town, between the tenth of July and the tenth of August next, and may levy on the property assessed such sums of money as they may deem necessary for the improvement of said town, not to exceed thirty cents, on any one hundred dollars worth of property for any one year.

Assessors.

145. The said commissioners shall appoint two persons to make such assessment, who shall make oath before the said commissioners that they will faithfully and impartially make the same to the best of their judgment, and they shall be paid for their services by said commissioners out of the taxes levied as aforesaid.

Appeal from assessment.

146. Any person who may deem himself or herself aggrieved by said assessment, may appeal for relief to the said commissioners within thirty days after the return made by the assessors, and the commissioners may alter or change the same in their discretion; and the said commissioners shall have the power annually to make abatements and transfers, and cause a new assessment to be made.

Treasurer of corporation.

147. The said commissioners shall annually appoint a treasurer of the corporation, who shall keep accounts of the receipts and disbursements of the funds of the corporation, in a well bound book to be provided by them for that purpose, and shall render annually to the commissioners an account thereof; but before the treasurer shall enter upon the duties of his office, he shall give bond to the state of Maryland, in such penalty as the commissioner may fix, with securities to be approved by them, conditioned that he will well and faithfully account for all moneys paid over to him by the bailiff of said town as any other person, for the use of said town, and shall also well and truly pay over to

Accounts.

Bond.

the commissioners or their order, all sums of money so received by him; and the said bond shall be recorded in the office of the circuit court for Worcester county, at the expense of the corporation.

Sub-Sec. 1. The said commissioners may allow their treasurer such compensation for his services as they may deem reasonable and just. Treasurer's compensation.

Sub-Sec. 2. The clerk and bailiff appointed in accordance with this act, before they enter upon the duties of their office, shall severally make oath before one of said commissioners, that they will faithfully and impartially perform the duties of their respective offices, according to the best of their skill and judgment, without favor, partiality or prejudice, and the said bailiff, before he shall enter upon the duties of his office, shall give bond to the commissioners aforesaid in such penalty as they may direct, and with security to be approved by them, for the faithful performance of his duties, and for the payment to them or their order, of all money collected or received by him, and the said bond shall be recorded in the office of the clerk of the circuit court for Worcester county, within thirty days after it shall be executed. Oath of clerk and bailiff.

Sub-Sec. 3. The said bailiff shall be empowered to make arrests, and shall have all and the same powers that are now vested in the constables for Worcester county. Arrests.

Sub-Sec. 4. The said commissioners shall erect lamps and lamp posts at such places in said town as they may think proper, and shall provide for lighting of the same, and also those that are now erected. Lamp posts.

Sub-Sec. 5. The said commissioners may make such by-laws or ordinances for the regulation, good government, improvement and comfort of said town and the inhabitants thereof, to restrain disorders and disturbances, and prevent and remove all nuisances within said town as to them or a majority of them may seem proper, not inconsistent with the laws of this state, and may enforce the observance thereof, under such penalties, fines and forfeitures as they shall deem proper, By-laws and ordinances. Penalties, fines and forfeitures.

not exceeding five dollars for any one offence, and all such fines, penalties and forfeitures may be recovered before a justice of the peace, by warrant, judgment and commitment to the public jail of Worcester county in the same manner that commitments are made for fines imposed by the circuit court of this state on conviction for misdemeanor, but the said commissioners or a majority of them shall have power at any time to remit or release the said fines, penalties and forfeitures and costs, or any part thereof, at their discretion; but any party who shall be fined or subjected to any penalty or forfeiture may within five days after the same shall be imposed and judgment recovered, supersede or stay the same for thirty days, by giving ample personal security to the justice of the peace, and the said fines and penalties and forfeitures, shall thereafter be collected as small debts are now collected, before a justice of the peace.

Fire engine.

Sub-Sec. 6. The said commissioners may purchase a fire-engine for the use of said town, by and with the consent of a majority of the legal voters of said town, to be ascertained by an election to be called by the said commissioners for that special purpose.

Tax on cows
and calves run-
ning at large.

Sub-Sec. 7. The said commissioners may impose an annual tax of one dollar upon the owner of every cow or calf that shall run at large within the said town.

Limits of town.

Sub-Sec. 8. The said commissioners may extend the limits of said town if they shall deem it proper.

Ordinances,
&c., to be pub-
lished.

Sub-Sec. 9. All orders or ordinances which may be promulgated or enacted by the said corporation shall be made public through some newspaper printed in the town of Snow Hill, or by printed hand-bills posted in not less than five conspicuous places in said town.

In force and approved March 30, 1868.

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From Chief Justice TANEY, of the U. S. Supreme Court.

WASHINGTON, Augt. 9, 1860.

GENTLEMEN:—I received this morning the two volumes of the Maryland Code of Laws which you have been kind enough to send me—and for which I thank you—and see with pleasure that the work entrusted to you by the Legislature has been executed in a manner, that cannot fail to meet the approbation of the public—in every particular.

Messrs. MURPHY & Co.

With much regard, yr. obt. st.

R. B. TANEY.

From the Judges of the Court of Appeals—Maryland.

To Messrs. JOHN MURPHY & Co., Baltimore.

ANNAPOLIS, December 7th, 1860.

GENTLEMEN:—It affords us great pleasure to express to you our entire approbation of the excellent manner in which you have performed the work confided to you by the General Assembly. "The Maryland Code," as it has been published by you, is not only carefully, and, as far as we have been able to examine it, accurately printed, but, in the matter of its mechanical and artistic execution we consider it unsurpassed by any similar work in this country. It reflects great credit upon your House, and is a source of just pride to every Marylander.

We are respectfully yours, &c.,

JNO. C. LEGRAND,

WILL H. TUCK,

JAS. L. BARTOL.

BRICE J. GOLDSBOROUGH.

STATE OF MARYLAND, EXECUTIVE CHAMBER, ANNAPOLIS, Sept. 4th, 1860.

Messrs. JOHN MURPHY & Co., Baltimore.

GENTLEMEN:—I have received the copy of the "Maryland Code," which you were good enough to send me, and for which I return you my thanks. The very admirable manner in which the 'Code' has been gotten up and published, its exactness, the clearness of the type and the paper, are most creditable to the enterprise and skill of your house: and the very handsome style in which these are bound, are complete evidences of the taste with which these are directed.

I sincerely thank you, and am,

Your obt. servant,

THO. H. HICKS.

STATE OF MARYLAND, SECRETARY'S OFFICE, ANNAPOLIS, Sept. 4th, 1860.

To JOHN MURPHY, Esq., Baltimore.

MY DEAR SIR.—The two handsome volumes of the "Maryland Code" which you were kind enough to send me, and for which I return you my thanks, are a great credit to your House. The Legislature was prudent and fortunate in confiding this important work where its correctness and fidelity were insured, while its clearness of type, and beauty of paper and binding, make it superior to any work ever published in the State.

I am, very truly, yours.

JAMES R. PARTRIDGE.

To Messrs. J. MURPHY & Co.

EASTON, September 24th, 1860.

GENTLEMEN:—Your favor of the 11th has been received, accompanied with the handsome present of two copies of the Maryland Code. Accept my sincere thanks for this manifestation of kind feeling. I need not add my humble approbation to that of the public generally, as to the manner in which you have discharged the trust reposed in you by the last Legislature of our State. I believe the mechanical part of this work is universally conceded to be equal, if not superior to any publication of the kind that has ever been issued in this country. It is emphatically the model of a Law book. The print is so distinct and clear, that it is really a pleasure to the eye to read it. I have heard no one in the profession or out of it, that has not spoken in the most complimentary terms of the manner in which you have performed your part of the work.

I am very truly, yours,

HENRY H. GOLDSBOROUGH.

Messrs. JOHN MURPHY & Co.

NEW YORK, July 31st, 1860.

GENTS:—I received yesterday, by express, two vols. Maryland Code, for which I herewith remit. I have the revised Statutes and Codes of thirty-two of the States of the Union. I must say I think yours is the most handsomely bound and executed of the whole.

I am, with much respect, Truly yours,

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From the Judges of the Supreme Bench, Baltimore.

Mr. JOHN MURPHY,

BALTIMORE, 11th Feb., 1868.

DEAR SIR:—I have been examining the volume just prepared by Mr. Mayer, and published by you, of the Laws of Maryland, from 1861 to 1867, both inclusive, and prepared in conformity with the arrangement of the Code, with some improvements. The Work appears to have been prepared very carefully and accurately, and forms a most valuable addition to a Law Library.

I hope the State will encourage it.

I am, dear sir, yours,

We concur in the above:

T. PARKIN SCOTT, C. J.

HENRY F. GABRY,

ROBT. GILMOR, JR.,

CAMPBELL W. PINKNEY.

Messrs. JOHN MURPHY & Co.

BALTIMORE, Feb 8th, 1868.

GENTLEMEN:—Since the appearance of Mr. MAYER's arrangement of the Statute Laws of Maryland, enacted since the Code, I have had constant occasion to use it, and have always done so, as I do with Mr. MAYER's other most accurate Work, with entire satisfaction. From what I have long known of Mr. MAYER's patiently laborious habits, and his pains taking accuracy, directed by an acute and discriminating mind, I could have expected nothing less than he has given us, and when his work is combined with yours, always excellent and in good taste, the result leaves nothing to be desired.

I am, very truly, yours,

G. W. DOBBIN.

ATTORNEY GENERAL'S OFFICE.

Baltimore, 1st February, 1868.

Messrs. JOHN MURPHY & Co.

GENTLEMEN:—I have examined the "Supplement to the Maryland Code," embracing and codifying all the Acts of Assembly from 1860 to 1867, inclusive, by LEWIS MAYER, Esq., as fully as opportunity has allowed me, and I take pleasure in stating, that in my judgment the work has been accurately and admirably performed.

The Marginal Index, and references to the Acts of Assembly, the references to the Decisions of the Court of Appeals thereon, and the Comprehensive General Index to the volume, add greatly to its value.

Very truly, yours,

ISAAC D. JONES.

To LEWIS MAYER, Esq.

BALTIMORE, January 29th, 1868.

DEAR SIR:—I have looked into your Supplement to the Maryland Code. The book is accurate, and its arrangement admirable. There are two features of the arrangement which are new and very valuable. First, the Syllabus or Sub-Index at the head of each Article; and secondly, the Marginal Reference to the date, chapter and section of each Act of Assembly, embodied into the Code. I am glad to find also that you have arranged the new enactments according to their proper distribution and sectional enumeration as parts of the Code, as the Constitution requires, instead of following the manner of the previous Supplements. The mechanical execution of the work is excellent.

In the labor you have performed, you have done a valuable service to the profession and to the public, which cannot fail to be properly appreciated.

Yours, very truly,

WM. M. MERRICK.

Messrs. JOHN MURPHY & Co.

BALTIMORE, January 28, 1868.

GENTLEMEN:—I thank you for the Complete Supplement to the Code. This Book was much needed, and will save time and expense to all who have occasion to know the laws of this State. The arrangement of the Work by Mr. MAYER, is the best possible, and your manner of getting it up, such as reflects credit on your house.

If the State will subscribe, as I think it ought, for a large number of copies, the cause of justice will be promoted by their distribution among the Magistrates and other officers of the State, some of whom may not have the means to buy six or eight volumes of law books, but are nevertheless required to know the law.

Yours, truly,

E. OTIS PINKLEY.

